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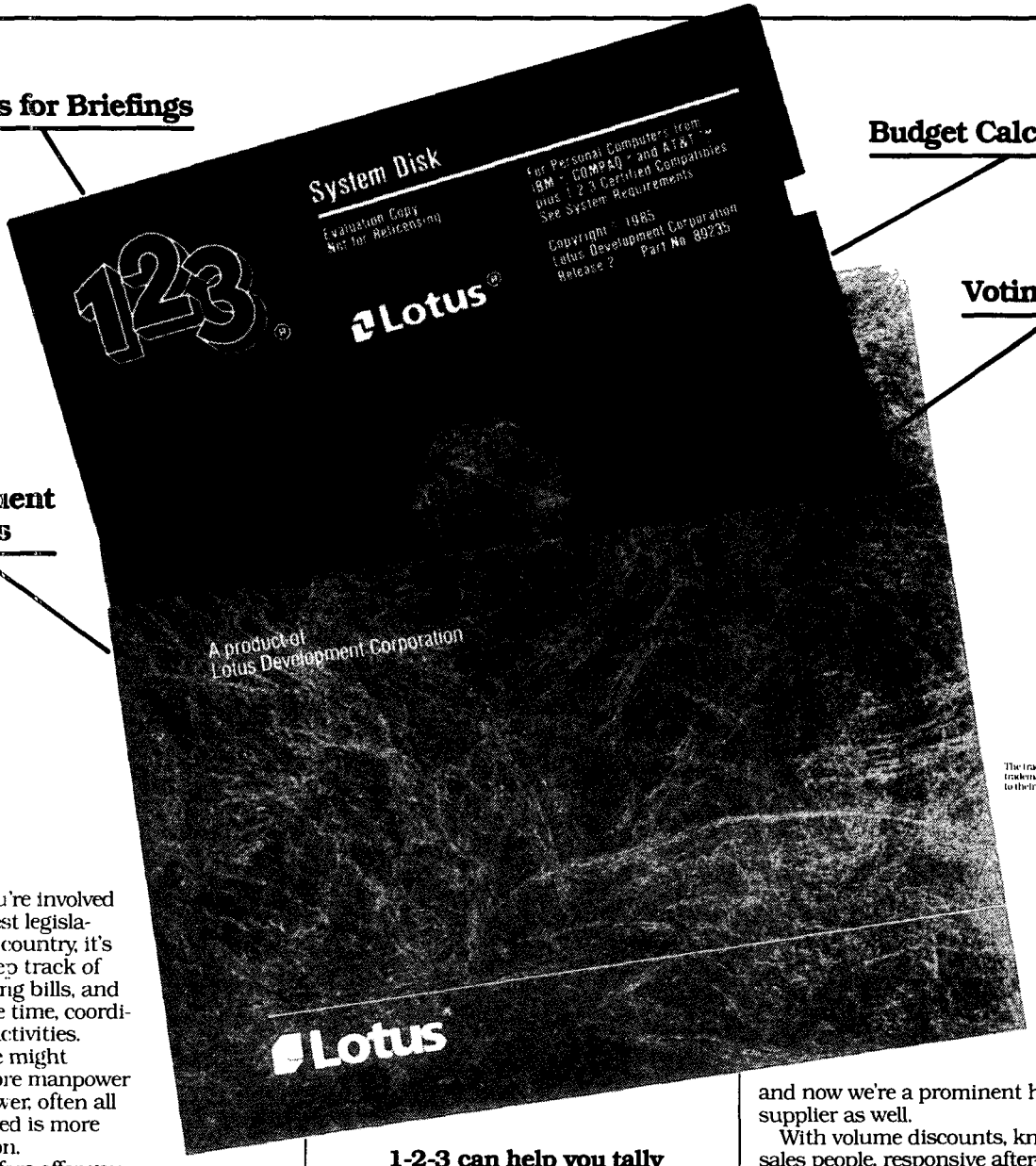

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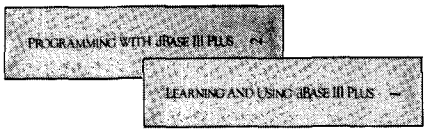
ASHTON-TATE™	 **dBASE III PLUS:** The most powerful DBMS program/procedural language available for application development on your PC. With a new user interface, pull down menus, multi-user capabilities and an on-line tutorial built-in, dBASE III PLUS is the most versatile application program to date.	$695	$417
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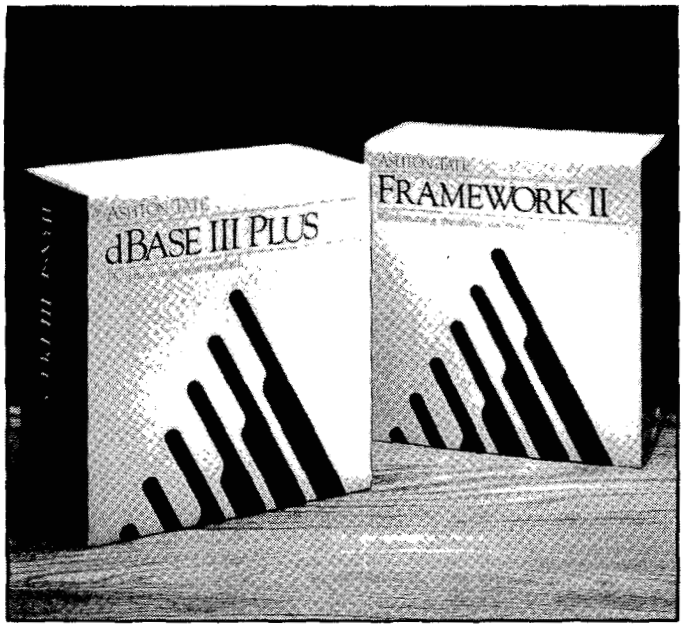

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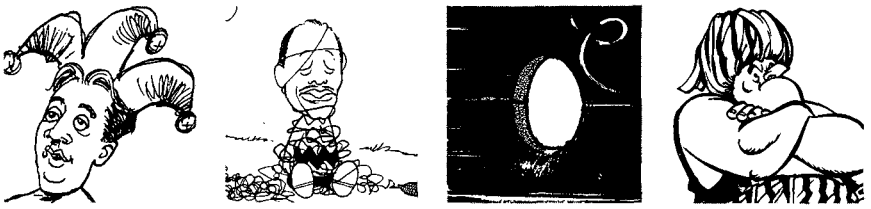

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UP FRONT

Mayor who? How about Jerry Brown? One of the former governor's closest observers says "it might not be a bad idea" for Brown to run for the top job in his hometown of Los Angeles if he wants to return to elective office. Stu Spencer, the Newport Beach political consultant for Republicans who gets a kick out of following the career of Brown the junior, told reporters recently, "I said the day after Jerry was defeated in 1982 (for the U.S. Senate by Pete Wilson) that the Democratic Party hasn't seen the last of Jerry Brown. I know Jerry, and Jerry's a political animal. He'll be back to run for something." Told that Brown's friends have suggested that he might take a shot at the Los Angeles mayor's office, Spencer was intrigued. Of course, there's no vacancy now, but there might be if the current occupant — Tom Bradley — wins his race for governor, resigns as mayor or decides not to seek reelection in 1989. Can Brown survive the wait? Can we?

(Richard Bergholz, Los Angeles)

On June 1st the governor of California will have left a major cabinet post vacant for 212 days. (David Swoap resigned as secretary of the Health and Welfare Agency on November 1, 1985.)

Chief Justice Rose Bird has taken to quoting music lyrics in her speeches, frequently '60s folk singer Joni Mitchell. But the chief justice has become more update lately. During a commencement speech May 11th for San Diego's California Western School of Law, she quoted rocker Elvis Costello: "Welcome to the working week. I know it don't thrill you. I hope it won't kill you."

Bobbi Fiedler's campaign has a WATTS number for those of you eager to call in your support or complaints. The number: 1-800-BOBBI-4-U.

For the political junkie who has everything. What's one problem that plagues all political junkies? By the end of an election year, bumper stickers make their Volvos look like well-traveled steamer trunks. Now comes Porta Sticker of Costa Mesa with an innovation called "Take it off." No, it's not a red-white-and-blue razor blade but a removable bumper-sticker holder. Now, on election day, you can quickly dispose of evidence that your candidate just lost by 10-to-one.

No, it's not true that the Reagan administration plans to relocate the Statue of Liberty near Calexico, California, to symbolize the most recent influx of huddled masses. But if it did, Los Angeles artist Paul Binkley has designed a California-ish Miss Liberty to more accurately reflect the Golden State (see below).

At least he didn't call them SOBs. In a rare display of gubernatorial temper, George Deukmejian became annoyed at the clicking of news cameras as he toured an AIDS research laboratory at UC San Francisco. The noise became so loud that the governor turned to his press aide, Kevin Brett, and asked if he couldn't hush them up. "But governor, they're part of the coverage," protested Brett. "They have enough," snapped Deukmejian in reply.

You are what you eat. Congressman Doug Bosco of Occidental is concerned about a federal Food and Drug Administration proposal to allow the preservation of fruits and vegetables by treating them with doses of radiation. In fact he's introduced legislation to block the ruling. "The government has been trying for years to figure out what to do with our radioactive nuclear waste," Bosco is quoted as saying in his own press release, "The Reagan administration's solution seems to be to force the American people to eat it."

Shortest term of the year? Had to be Assemblyman Rusty Areias' reign as one of America's most eligible bachelors. Areias gained that honor after being named *Cosmopolitan* magazine's "bachelor of the month" for April. But the month wasn't even over when the *San Jose Mercury News* reported that Rusty was engaged. *Cosmo* wasn't even responsible. The 36-year-old Los Banos Democrat will wed someone he's known for 15 years — 34-year-old Carolyn Wood, an adaptive phys ed teacher from Capitola.

Subsidy of the month: Pat Nolan, conservative leader of Assembly Republicans, explained recently why liberal Democratic Assemblyman Tom Hayden is so hard to defeat. Referring to Hayden's wife, actress Jane Fonda, Nolan said: "We can't compete with Jane's millions — which she raises from overweight Republican women. Good Republicans go out and buy Jane Fonda (workout) stuff and subsidize Tom Hayden's campaign." Nolan, on the portly side himself, admitted even his wife has a Jane Fonda workout tape.

(John Firth, Simi Valley)

Is that what she thinks of her boss? After Democrat Tom Bradley's recent radio and television attacks on Governor George Deukmejian, the Duke's campaign press aide, Kristy Flynn, was quoted in the *San Jose Mercury News* as saying the Bradley campaign is "just flailing away at an empty pinata." Come now, Kristy, the governor must be full of something.

Who says college kids are no fun anymore? At the University of California, Santa Cruz, where redwood fumes have always made things interesting, the students finally got their own way when it came to naming the school mascot. By an overwhelming margin, they voted for the banana slug, a somewhat repulsive local creature, over the administration's choice, the more traditional, but sleeker, sea lion. At first Chancellor Robert Sinsheimer indicated he would ignore the student vote

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— after all, can the university stand to have its athletes encouraged on to victory with the cheer, "Go, slugs?" But finally he bowed to the public will, although he issued a statement suggesting that the university's biologists "begin a program of genetic research upon the slug to improve the breed." Federal grant requests are pending.

How can you keep them down on the farm, after they've seen Millbrae? Speaker Willie Brown will have a hard time filling the gap left in the Legislature when Rules Committee Chairman Lou "the enforcer" Papan leaves at the end of the session. Papan wants to move on to the Senate. "I clearly need a tough person in Rules," Brown told a breakfast meeting of reporters. "When I want to say 'no,' I can blame it on him and have it carried out and everybody already hates him. There are very few people who don't need to get up in the morning thinking they're loved. Papan was unique in that regard."

Tom Quinn, erstwhile radio mogul and environmentalist and now campaign manager for Tom Bradley, came to Sacramento last month to hype his candidate's first television commercials, due to start the day after Quinn's announcement. However, that night one of the ads ran on KNBC-TV in Los Angeles right in the middle of "St. Elsewhere," which is apparently watched by several newspaper executives who quickly called their reporters so they could have stories in the morning paper. The next day, a sheepish Ali Webb, the campaign's press secretary, apologized to those reporters rousted from their beds and explained that it had all been a mistake. "We aren't paying for it, either," she added.

What else would a bunch of lawyers eat? On May 1st Governor Deukmejian had lunch in Glendale with members of bar associations from Glendale, Pasadena and Burbank. May 1st is May Day and of great significance behind the Iron Curtain, and this year fell only five days after the Soviet nuclear disaster at Chernobyl. The lawyers' meal? Chicken Kiev, of course. Probably in mourning for all those lawsuits they won't be able to file.

(Jim Sweeney, Sacramento)

But where does he keep his badge? Chief Sergeant-at-Arms Tony Beard is in charge of maintaining decorum on the floor of the state Senate, including making sure that everyone complies with the Senate's dress rules, which insist that gentlemen wear coats and ties. So it was with some surprise

that we found him recently on the cover of *Office Hours*, a free bi-weekly for downtown Sacramento office workers, clad only in swim trunks and unbuttoned shirt, both featuring a loud fruit-print. With him was Linda Underdown, assistant to Senate Secretary Darryl White, also in swimwear. Our second thought: Thank heavens it wasn't David Roberti.

Who says ranching can't be fun? One of the governor's recent appointees to the Council on Vocational Education was Christine Dickson of Bakersfield. A press release listed her occupation as "sheep producer."

Tired of receiving those computerized responses to those insightful comments you send off to your elected officials? Well here's a hint. If you want to get the attention of U. S. Senator Pete Wilson, who gets 20,000 letters per week from Californians, start the letter "Dear Pete." These go right to his personal secretary.

Some mole at the state Department of Parks and Recreation is putting out a fake edition of *News and Views*, the department's newsletter. Department officials are sure the clandestine editor is a Parks and Rec employee because the newsletter contains too much accurate, inside information. For example, the lead story reports that the staff of the Carnegie Vehicle Recreation Area near Livermore recently received the William T. Sherman Blue Hun trophy for "exceptionally blatant destruction of historically valuable materials entrusted to its care." According to the newsletter, the Carnegie staff bulldozed down historic brickworks to provide more tracks for off-road vehicles. Department officials confirm the bulldozing but say it took place over two years ago. A department spokesman says the newsletter is probably the work of disgruntled environmentalists on the staff. The tongue-in-cheek newsletter also carried a disclaimer on the front page: "Notice! This newsletter is a spoof!"

Diddo Clark, a candidate in the Walnut Creek-Danville Judicial District, Department 2, either has a unique sense of humor — or a bizarre sense of what voters think qualifies someone to be a judge. Clark's candidate statement, included in a sample ballot mailed to every registered voter in the district, reads in part: "Diddo Clark is an original '49er. She was conceived in the Bay Area in 1949 and, last year, the '49ers won the Super Bowl on her birthday. She also swims at a pool in Walnut Creek." Clark, of course, has other qualifications, like a law degree from Georgetown University in Washington, D.C., several years as a practicing attorney and a three-year stint defending the U.S. secretary of Labor in federal appellate courts.

(Tim Farley, Martinez)

Mea culpa. In last month's district-by-district analysis of Assembly primary races, we erred in saying that Democratic Assemblyman Lou Papan of Millbrae was supporting candidate Mike Nevin over candidate Jackie Speier in the 19th District. Papan is neutral in that race.

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front," so rush your items to Up Front, 1714 Capitol Avenue, Sacramento 95814. Sorry, submissions cannot be returned.*

"A man does what he must — in spite of personal consequences, in spite of obstacles and dangers and pressures — and that is the basis of all human morality."

— John F. Kennedy,
from "Profiles in Courage"

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All of these Bonds having been sold, this announcement appears as a matter or record only.

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1,180,000	1988	4.75	1,525,000	1993	6.00	5,935,000	1998	6.60
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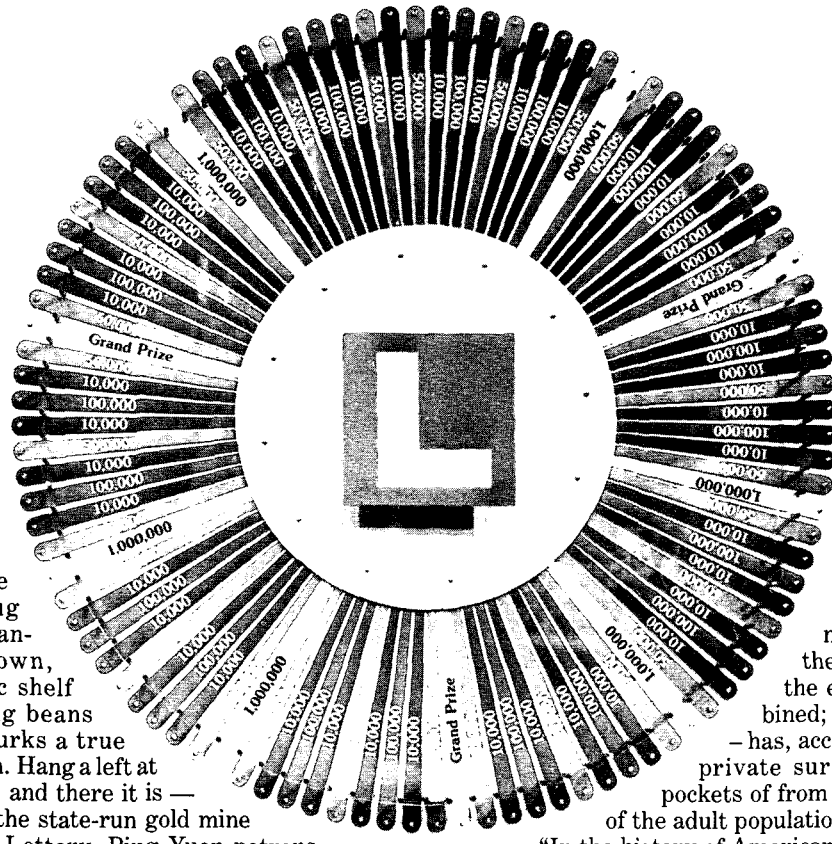

A CALIFORNIA PHENOMENON

State Lottery makes *Fortune* 500 income

By STEVE WIEGAND

In the back of the Ping Yuen Drug Store in San Francisco's Chinatown, past the eclectic shelf displays of mung beans and acne ointment, lurks a true California phenomenon. Hang a left at the Almond Roca tins, and there it is — the busiest branch of the state-run gold mine that is the California Lottery. Ping Yuen patrons snapped up 776,661 dollar-a-ticket dreams in the first four months of the fledgling state Lottery, making the store the single biggest sales outlet in the state.

"I'm not surprised," says Anni Chung, a local director of social services for the elderly. "Old Chinese and Filipino men love to gamble."

So, apparently, does just about everyone else in California. Lottery officials reported last month that the game that started October 3, 1985, had collected a whopping $1.4 billion during its first six months of existence.

"We've reached our most optimistic projections for the first year in half the time," said Lottery director Mark Michalko, "and in the process have become the largest, most successful lottery in the United States and possibly the world."

How successful has the Lottery been? Based on the first half-year's sales alone, the Lottery:

– would rank 51st among the *Fortune* 500 list of top corporations in the United States;

– has sold an average of about $78 worth of tickets per adult resident of California;

– has sold more "instant" game tickets in six months than the rest of the country's lotteries did in the entire year of 1984, combined; and

– has, according to both public and private surveys, reached into the pockets of from 70 percent to 80 percent of the adult population.

"In the history of American marketing, according to many experts, no other service or product — government or private — has ever come close to having as many as 70 percent of such a large population of people pay money to voluntarily participate in such a short period of time," said veteran pollster Mervin Field.

Another way of saying that might be that never have so many given so much for so few.

Creating winners

To be sure, the Lottery has created some 40 millionaires on its "Big Spin" television program. Other participants in what amounts to a voluntary tax system have won prizes from $2 to $100,000.

But the biggest winners have been those who probably never bought a ticket, namely the companies that have supplied or will supply the Lottery with raw materials for the games.

The first big winner was Scientific Games, Inc., the Georgia-based company that financed the 1984 initiative that created the Lottery. The firm, which supplies the Lottery with its tickets, subsequently won a $40 million contract.

In March a Rhode Island company called GTECH Corporation made the Scientific Games contract seem like small

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Steve Wiegand is a Capitol reporter for the San Francisco Chronicle.

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change when it won a $121 million contract to supply computers and terminals for the Lottery's electronic-numbers games scheduled to start this summer.

And several major telephone companies will divvy up $75 million to supply communications lines for the computer system. Oh, yeah. California schools — for whose benefit the Lottery was purportedly created — have picked up about $500 million so far (see story, page 295).

Just why the Lottery has done so well, officials say, is a combination of good luck and good planning.

Officials had planned for the first batch of 390 million "California Jackpot" tickets to last from 10 to 12 weeks. Demand was so great, however, that the tickets sold out in six. So did the next batch, 268 million "Sky's the Limit" tickets.

By the first of April the Lottery was in into its fifth batch of tickets. Each of them had its own theme, advertising slogan and prize structure, even though they were basically the same game — scratch off six latex-covered spots and hope that three of the amounts under them matched.

"In most states each instant game lasts as long as 12 weeks, and ticket sales go down to near zero by the end," says Michalko. "After selling out the first two games so quickly, we decided to buy smaller lots of tickets so the games (and the advertising hype) would stay fresh."

The Big Spin

The second innovation involved the "Big Spin" television show in which the names of some ticket buyers are drawn at random and the players given a chance to spin a wheel for cash prizes that range from $10,000 into the millions.

Other states, determined to quickly offer a huge grand prize, adjusted their wheels so that the odds of winning the biggest prize were very low. The big prize was then allowed to "roll over" each week, making it a multi-million dollar deal in a short time. The down side of that, as states such as Oregon found out, was that it might take several months before someone beat the odds and won the big prize. In the meantime, lottery players grew disenchanted with the idea, and sales slipped.

In California, however, Michalko and the five-member Lottery Commission decided to offer a set top prize of $2 million and increase the odds that someone would win it. Eventually, a growing top prize was added, but additional $1 million prizes were also offered to help the odds on someone hitting a seven-figure prize.

The result has been a new millioniare created on the "Big Spin" nearly every week since it started in late October.

Despite all the cheery overall numbers, however, California's Lottery sales have slipped over 40 percent in recent weeks, although they are still higher than other state lotteries were at this point in their lifespans.

To pick up the pace, the Lottery plans on introducing a new kind of game to California gamblers this summer. It will eventually feature prizes that would make an oil millionaire or even a major league baseball player take notice. In the new game, called "Lotto," players pick five or six numbers from a field of 30 to 50 numbers.

The choices are recorded in a computer system and players are issued receipts with their chosen numbers. Then they go home and wait for the big drawing, usually weekly, in which six numbers are selected. The size of the prizes is determined by the number of people who bet. If no one has correctly picked the six drawn numbers, the top prize "rolls over" until the next drawing. A few weeks of rolling over, and serious money begins to pile up.

Some examples: a $40 million jackpot in Illinois, a $41 million payoff in New York and a $24.6 million prize in Ohio.

Most lottery states also offer variations of the lotto games in which players must match only three or four of the six numbers, or match three numbers from a field of 10. The prizes for those games are considerably smaller than for six-number lotto. If these lotto games do as well proportionately as did the instant-ticket games, Lottery officials may have to rent Nevada to store all the money. Of the $8 billion taken in by lotteries around the country in 1984, about 84 percent came from lotto-type games.

The first step in getting California's lotto games under way was taken last February when the commission awarded a four-year, $121 million contract to GTECH to provide the state with 5000 computer terminals at retail outlets throughout California, linked by a labyrinthine telephone network to massive computers in Northern and Southern California.

Award of the contract — the largest ever given out by California government — was another indication of the Lottery's charmed life. Although seven companies competed for the contract, and although lawsuits were expected from those who lost in the bidding, no litigation materialized.

"I've talked to all the (losing) companies, and they all said they are not going to pursue legal action," said Michalko. "To my knowledge this is the only major state that has avoided litigation."

Lottery officials also acknowledge they have been lucky in avoiding any major scandal. However, there have been relatively minor flaps, including:

— The discovery that one early Lottery millionaire was an illegal alien, who has since departed for Mexico, and that several other "Big Spin" finalists were on welfare.

— Grumbling by some retail organizations that the five-cents-per-ticket they are paid for selling lottery chances wasn't enough.

— The arrests of Lottery employees in two separate cases in which they were charged with stealing data or tickets in efforts to beat the odds the easy way.

"I think the public has confidence in the Lottery and its integrity," said Michalko, shrugging off the incidents. "We've been able to run our instant games without serious security breaches or major administrative problems."

Two potential problems

Two potentially larger problems still vex officials, however. First, there is continuing criticism that the Lottery is feeding itself off those least able to afford gambling.

A *California Poll* released last December found that a disproportionate share of "heavy" Lottery players were from poor, under-educated groups. The perception of the Lottery being carried by the poor was heightened during the first few weeks of the "Big Spin" when a relatively large percentage of the spinners were unemployed, in low-paying jobs or on welfare.

"I don't see any professional people, doctors, lawyers and state legislators winning prizes," said Harvey Chinn, who headed the coalition that tried in vain to defeat the 1984 lottery initiative. "It is demeaning of the state to be engaged in a sales scheme where most of the people have to lose."

Michalko admits that "for some reason," many of the "big spinners" have come from minority or lower-income groups. But he vigorously contends that the Lottery is played by a broad cross-section of the population. To back up that claim, Lottery officials are preparing their own demographic survey of the game's players.

"We're keeping our fingers crossed that it shows what we've been saying; that the Lottery is played by everybody," confided one Lottery official.

The second problem that keeps Michalko's horizon a bit cloudy, ironically, is a complaint from the education community that the Lottery has been *too* successful. Educators say they are worried that publicity about the Lottery's success will lull the public, and legislators, into thinking the economic problems of schools are over.

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"People see these large numbers and people think schools are taken care of," said state schools chief Bill Honig. "But it's only 3 to 4 percent of the entire budget. This is supposed to be icing on the cake. It's not going to substitute for the normal increases we get in each budget year."

Educators were also upset by a Lottery commercial last winter that had an actress strolling around a school, pointing out all the nice things that Lottery money could buy. This irks Michalko, who feels "we're boxed into a corner, and I don't think it's fair."

"They tell us we're causing problems with the Legislature (in trying to get additional education funds)," he said. "I guess my view of that is that we're doing what we're supposed to do, and that's raising money for education . . . and if the Legislature isn't doing what it's supposed to do, the teachers' problems are with the Legislature and not the Lottery. I can't believe the primary benefactors of this thing are unhappy with it."

Legislative involvement

Educators, however, have taken their beef to the Capitol. A bill has been introduced that would require Lottery commercials to indicate the percentage of overall education funding that comes from Lottery revenues.

The bill, AB2887 by Democratic Assemblyman Sam Farr of Carmel, is symptomatic of a growing legislative interest in the Lottery. In the first year after its approval by voters, lawmakers were generally both uneducated about the Lottery and puzzled about how best to milk the new game for political gain.

Now, however, some legislators think they have detected "weaknesses" in the game's structure that need shoring up. Among the current proposed solutions are bills that would:

— require Lottery advertising to list the odds of winning the top prize and require the Lottery to set up a 24-hour hotline for compulsive gamblers (AB3860, Peace, Democrat, Chula Vista);

— prohibit playing the Lottery over telephone systems (AB2666, Condit, Democrat, Ceres); and

— increase the minimum share of education's take from Lottery revenues from 34 percent to 38 percent and cut Lottery operating revenues from 16 percent to 12 percent, starting in 1988 (SB1519, Dills, Democrat, Gardena);

The most controversial lottery bill (AB2606 by Democratic Assemblyman Tom Bane of Tarzana), which would prohibit welfare recipients from playing the Lottery, has not moved since it was introduced in January and appears dead, despite the hoopla that surrounded its introduction.

The most sweeping bill, however, was sent to Governor Deukmejian's desk last month. The measure (SB34, by Democratic state Senator Ralph Dills of Gardena) would give the Lottery Commission the power to decide what financial and personal background it wanted from companies and company officials bidding for Lottery contracts. The governor signed it in mid-April.

The Lottery initiative required extensive personal and financial disclosures by bidding firms. The initiative was drafted by Scientific Games, and Scientific Games was the only company that chose to meet the requirements and bid on the instant-ticket contract.

Deukmejian vetoed a similar bill last year because of a last-minute drafting error that would have exempted large contracts from all disclosure requirements. The controversy that arose over the veto at the time, like almost all of the controversies the Lottery has been involved in, fizzled out quickly.

"It's better to be lucky than good," said Michalko in reflecting back on the Lottery's first six months, "and we've been good and lucky."

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Photo by Cindy Chan

A typical scene at the Lottery sales counter of Ping Yuen Drug Store in San Francisco's Chinatown — the busiest branch of the state-run Lottery where patrons bought 776,661 tickets during the first four months of operations.

A Pandora's Box of social change

By ELLEN CHAPMAN

With passage of the California Lottery in 1984, the voters of California handed the state a revenue-generating tool which to some looks suspiciously like Pandora's Box.

Although few question the Lottery's money-making potential — it has grossed more than $1.5 billion so far — its critics, who range from clerics to grocers, say it has also unleashed unhappy economic and social changes.

One such change is that shouldered by the main distributors of lottery tickets — California's groceries and other retail outlets. With the onset of the Lottery last October, retailers found themselves facing a new standard of competition, namely the sale of tickets. Hoping for increased business from "lottery traffic," some 21,000 of the state's 28,000 grocery retailers contracted with the Lottery Commission to be distributors.

It didn't quite work out the way retailers had hoped, however. Since most supermarkets carry Lottery tickets, most shoppers expect to find them. As a result, grocers are discovering that tickets don't bring more customers into a store — but not having them can *cost* customers.

And there are headaches and costs involved with ticket distribution, even if it does bring in business. In a study conducted by the California Grocers Association and the Lottery Commission, 95 percent of all grocers surveyed reported that overall costs of operation had been affected by handling Lottery tickets. These costs included the need for more clerical help, increased bookkeeping and inventory control requirements and the need to answer customer questions about how to play.

To offset these costs, grocers claimed they needed to average 11.5 cents per ticket in commission, more than double the current rate of 5 cents per ticket. The survey cited other problems as well, including accounting difficulties and complications regarding ticket ordering and delivery.

But the greatest concern is over how the Lottery has affected the sale of other merchandise. Shortly after the Lottery began, the California Grocers Association filed a complaint with the Lottery Commission blaming the games for the fact that grocery sales had declined. According to Don Beaver, association president, the CGA arrived at that conclusion because while ticket sales had soared — supposedly adding to members' gross sales — the amounts of money actually flowing through stores remained about the same.

"We don't know where the money (was) coming from" said Beaver, "We had to assume that it was coming out of the grocery money." Overall, an average of 58 percent of the grocers surveyed claimed that the sale of other merchandise had fallen off since October, while 42 percent claimed an increase in sales.

In spite of this inconclusive track record by retailers, 99 percent of those grocers surveyed who sold tickets for the first two Lottery games (the point when the survey was taken) planned to continue selling them.

But retailer participation in Lottery sales has not been universal. Some retailers have quit selling tickets altogether. In March, Jerry Nielsen, general manager of Holiday Quality Foods, announced that his grocery chain was withdrawing from the games. Pointing out that his stores were situated in poor areas and areas hit hard by last winter's flooding, Nielsen claimed a general sales decline of 10 percent in addition to increased labor costs. Lottery officials, however, said that the chain's account was "deactivated" because of overdue back payments.

Said Beaver, "It just hasn't worked out for their operation. The Lottery won't work out for everybody. Costs are too high

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Ellen Chapman is a California Journal *intern and a freelance writer from Davis.*

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and labor too expensive to make the Lottery a profitable (venture) right now."

Some retailers stayed out of the Lottery from the beginning. According to Beaver, firms which have little competition, sufficient business and high service standards are less likely to sell tickets.

For example, Corti Brothers, an upscale Sacramento-area supermarket chain, never did sell tickets. Says Frank Corti, president of the chain, "We just don't feel they belong in a grocery store in the first place." For Corti, selling Lottery tickets just means more waiting and less service, making Lottery sales a poor business decision for a retailer whose selling point is service. Says Corti, the Lottery is "not good business for the grocery man."

John Roscoe, head of the Benicia-based Food and Liquor Convenience Stores, represents another type of retail-Lottery relationship: active opposition. Roscoe actually mounted a campaign against the Lottery which included posters resembling the Lottery's own golden "L" and which read: "No Lottery, No Lines, No Losers." Unlike Corti and Nielsen, Roscoe's arguments hinge on their moral appeal. Said Roscoe, "The Lottery is probably bad for society — we know it's bad for us. We have tried to establish a standard of value. They (the customers) get something for something. We don't think the Lottery is a fair deal."

A moral paradox

Social and economic changes related to the Lottery have not been confined to retail establishments, however. As the promoter of the Lottery, the state itself has been confronted with a moral paradox: Suddenly, what had been (and, in many forms, still is) prohibited by the state is now not only acceptable, but encouraged — namely, gambling. According to Durand Jacobs, Chief of Psychological Services at Loma Linda Veterans' Hospital, "When a state runs a lottery game, it puts its stamp of approval on gambling."

James Frey, associate professor of Sociology at the University of Nevada at Las Vegas, notes that because of the potential benefit it derives from Lottery revenue, the state itself is now a gambler, and officials who condemn illegal gambling at this point are "talking out of both sides of their mouths." To Frey, the problem is that the state has not yet come to terms with its status as an accomplice to gambling.

Nor have lottery opponents. In the words of Harvey Chinn, former director of the Coalition Against Legalizing Lotteries, "The whole thing is designed so that the customer must lose. That's not the business the state should be in."

Whether or not the state should be in the "business" of gambling, it is, and in a big way. As of mid-May, the Lottery had grossed approximately $1.5 billion. Jackpots had swelled to over $10 million each, and total winnings from the Lottery amounted to more than $700 million. All of this means more money for state coffers. What's more, there have been none of the political costs associated with raising taxes: The California State Lottery is billed as a voluntary tax benefiting education.

But voluntary or not, many claim it is a regressive tax, its burden falling primarily on those who can least afford to pay. The Lottery Commission, however, maintains that the "average player" is from the middle-income bracket and that the money he spends on tickets comes from "discretionary income" left over after essentials such as food and rent are paid. Demographic studies conducted by other state lottery commissions primarily as sales tools (California's are not yet complete) support this assertion. Most states surveyed show that an average of 69 percent of their players earn at least $15,000 annually and in many cases, a good number of these earn between $30,000 and $50,000.

On the other side, these studies show an average of 31 percent of all lottery players make *less* than $15,000 per year. And for some, this is the income for an entire family, not just one player.

The real question, of course, is the proportion of income that is being spent on Lottery tickets. Although the "average player" may not be impoverished, low-income players spend a proportionately larger share of their income on tickets. Said Durand Jacobs, "Look at the winners. That's a good indication of who's buying the tickets." Harvey Chinn, who believes the "dispossessed" play the Lottery, agrees; "Just look at who's winning the Lottery. The first thing people say when they're asked what they'll do with the money is, 'Pay the bills.' These are people in debt buying Lottery tickets."

A potential for harm

If this is the case, then social changes brought about by the Lottery stand to harm as many people as they may benefit. An issue that demonstrates this quite poignantly is the potential impact of the Lottery on Californians who gamble uncontrollably, often to the point of financial ruin. According to Jacobs, "The most conservative figures show that there were 150,000 probable pathogenic gamblers in California and an additional 450,000 potential (pathogenic gamblers) before the Lottery started." The fear is, of course, that a well-publicized Lottery will expose more people to the experience of gambling and increase these numbers.

According to Robert Singer, a professor of psychology and director of the Center for Behavioral Research at the University of California, Riverside, this fear is warranted, at least theoretically. As with other addictions, Singer says that if gambling is easily available, more people will gamble and more people will be exposed to possible addiction.

Jacobs is less circumspect about coming to this conclusion. "The state-supported Lottery encourages compulsive gambling of all kinds," he said. Referring to a study on compulsive gambling in Ohio (a "lottery state"), Jacobs said, "The incidence is three times the incidence of compulsive gambling as would have been predicted from a national study done in 1976."

Jacobs' own research has generated some alarming statistics on who these new compulsive gamblers are likely to be. In addition to women and other groups who have not traditionally been exposed to gambling activities, teenagers are showing more of a tendency towards pathogenic gambling. Of more than 800 school students surveyed by Jacobs before the Lottery began, 5 percent admitted that their gambling was "out of control," 1 percent were already members of Gamblers Anonymous and 7 percent admitted that one or both of their parents were compulsive gamblers. Says Jacobs of these findings, "If kids are already beginning to show these signs, we've already got a serious situation growing in California."

Given this potentially negative impact of the Lottery, the issue of how officials choose to publicize it is particularly significant, for it is a highly publicized event. Said Jacobs, "California has the biggest, most publicized lottery in the history of man." According to Bob Taylor, communications manager at the Lottery Commission, an estimated $15 million will have been spent on advertising for the Lottery by the end of its first year. This is less than the initial $22 million allocated for publicity, but still no mean amount.

The key to understanding Lottery publicity is to recognize who is being targeted by the ads, and what exactly is being sold. "We are targeting the entire California audience", says Taylor. Brad Fornaciari, a vice-president at Needham Harper Worldwide, which handles the advertising for the commission, agrees that at present, the target group is very broad-based. In the future, however, Needham Harper intends to suggest a more specific audience, although he would not disclose who that audience might be.

Whatever the target group, the Lottery Commission's self-

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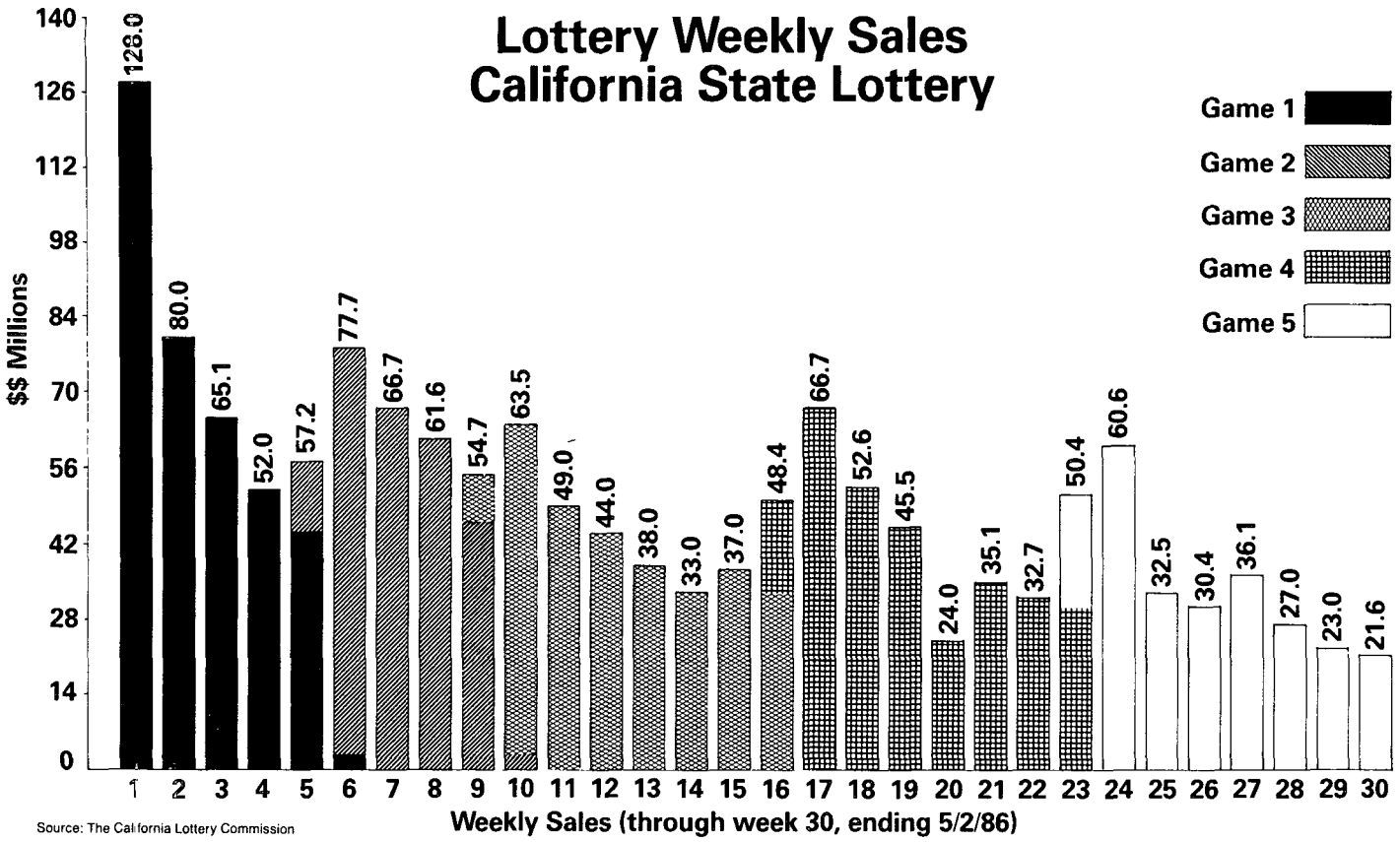

Source: The California Lottery Commission

described approach to advertising is "soft-sell." By soft sell, said Taylor, the ads do not try to create "hype" but rather to appeal to a large segment of the population, particularly those with "expendable income."

Said Fornaciari, "Some states go overboard with change-your-lifestyle, get-rich-quick. At the California Lottery, we think that's unrealistic." Fornaciari added that even though his firm's objective was to sell Lottery tickets, its approach was not geared to create false hope. "You will never see a middle-aged man diving into a pool of money yelling, 'I've won! I've won!' We will never say it's easy to win, but we will say that it's easy to play."

According to Fornaciari, there are three reasons why people play the Lottery: for a chance to win, the fun and excitement of playing and to contribute to education. Of these, he said the Lottery Commission focuses on the latter two so that the Lottery is portrayed as a fun and exciting entertainment product which exists for a good cause rather than for gambling.

But according to UC Riverside's Singer, it is the "gambler's high" — that momentary elation experienced while waiting for the roulette ball to settle, the Big Spin wheel to stop turning or the silver coating to be scratched off an instant game card — that leads pathogenic gamblers to risk financial ruin. So even if Lottery advertisements cautiously avoid selling the promise of instant riches, they cannot cover up the inherent excitement of the event.

In fact, those in charge of publicity for the Lottery are obligated to do exactly the opposite. According to Singer, new games and bigger jackpots have to be introduced to stimulate an easily-bored public. Without these new gimmicks, they lose interest, particularly when the odds of winning a huge prize are no better than 1 in 83 million. Quite simply, the more excitement shown, the more likely people are to play — casual and compulsive gamblers alike.

Singer, Jacobs and Albert Marsden, a professor of psychology at University of Southern California, have proposed to the Lottery Commission that a percentage of the Lottery's gross revenue be used to establish a Center for Gambling Studies at UC Riverside. According to Jacobs, the Center would study the Lottery's effects on individuals, as well as new approaches to the treatment and rehabilitation of compulsive gamblers. It would also be a resource for individuals who want training in the recognition and treatment of problem gamblers. To date, six other states have adopted similar measures for lottery-funded treatment and research centers, although the California commission has thus far been lukewarm toward the idea.

Legislative concern

Three bills were considered in the Assembly relevant to the state's role in promoting or running the Lottery. AB3860, by Democrat Steve Peace of Chula Vista, would have established a Lottery Commission hotline listing available resources for compulsive gamblers (already available through Gamblers Anonymous). The bill would also have required that all printed ads show the odds for winning the highest value prizes rather than the overall chance of winning, which is all that is now required.

Another bill (AB2666 by Ceres Democrat Gary Condit) would prohibit the installation of a proposed telephone betting system in California. Finally, Carmel Democrat Sam Farr's AB2887 would require Lottery advertisements to state the true percentage of the state's educational budget drawn from the Lottery (see story, page 295).

Regardless of the kinds of restraints put on the California Lottery, they are not likely to halt its momentum. Californians have long been willing to risk it all to "get rich quick," says William Roy, a sociologist at UCLA. Loma Linda's Jacobs puts it another way: "The Lottery in California has had the greatest environmental impact on the people since the Gold Rush of '49."

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The ghost of lotteries future

By ED GOLDMAN

First, let's clear up a few misconceptions about the California State Lottery:

— Contrary to popular myth, Johnny Carson's monologues and the testimony of your own senses, you don't have to be a displaced alien, wanted felon or operator of heavy machinery to win. You do need to be, however, the sort of person given to saying things like, "I don't think the $10 million will change Effie's and my lives, and I plan to be back at my $3.50-an-hour job as a button inspector first thing in the morning." Or, "We weren't even gonna *buy* a ticket. Then my cousin Doug says to me, 'Hey, c'mon, Billy Joe, it's only a buck. Be a sport.' Well, y'know how it is with me n' Doug, so the first thing I do is go down to the Twisted Deltoid — that's the bar where me n' Doug do stress-management sessions nightly after a hard day of stacking horizontal filing cabinets for Crazy Carl's Discount Furniture — and plop down a dollar on the counter and . . ."

— Being a Lottery player is no cause for embarrassment. Granted, rubbing crud off a card at a convenience store counter doesn't have the same panache as throwing on a white dinner jacket, stepping up to the *chemin de fer* table and announcing that you're "Bond. *James* Bond." On the other hand, when you don't win in Monte Carlo, there you are, all trussed up in a tuxedo and reminded as each painful second slips by how much the damn thing costs to rent. Blowing a round of Lotto has no such elegant humiliation attached to it. If you find out you're a loser while wearing dungarees, top-siders and a Smurfs sweatshirt one morning at the supermarket, well, so be it. You were hardly dressed for success, anyway.

— You don't have to behave like Peewee Herman on Benzedrine if you happen to win "only" $10,000 on the "Big Spin" television show. However, you are required to sign a release stating that any friends, relatives or nieces from Baltimore who happened to come to the spin-off with you *will* rush to your side (and suddenly swollen checkbook) in a spontaneous outpouring of dangerously unbridled affection if you hit the jackpot. If you don't have any avaricious family members or friends, we're told the Lottery will provide some (many of whom will bear a strong resemblance to the camera crew, floor manager and director).

That ought to puncture a few myths about past lotteries. What concerns us most today, though, is a top-secret memo that fell into this reporter's hands and which describes, in easy-to-understand language, *future* Lottery games being engineered by those wily odds-makers from the state's only profit-producing department. As a public service, please consider the following games of chance:

Blotto. Played only at the finer legislative watering holes in Sacramento, this game is for men only and requires a player to scratch lipstick stains off his Van Heusen before hopping a night flight back to district and spouse. If successful, the player may continue to take risks en route home. This is called Progressive Russian Roulette. If the player cannot remove the stains, he is eligible for the Lottery Scavenger Hunt game — Shirt Shop Open; 24-Hour Pursuit. Finally, if the player ignores the stains, he should be prepared upon arriving home for two new Lottery sequels — Property Settlement Spin and Wheel of Custody. (Rumor has it that both female and feminist versions of this game are currently being readied, lest legislative distaffers feel any stirrings of alienation. Details on the proposed **Tomat-o** and **I-Don't-Find-That-Amusing-o** are not forthcoming, however — which may be just as well.)

— **Moriarto.** In exchange for a vote on a new bill which would allow festive nitroglycerin "Khadafi Kocktails" to be sold to children (who must be old enough to hold their heads up and recognize certain sounds), you can receive a barrelful of campaign cash, a condo in Bellflower or an

eager young woman who, try as she might, will never be able to memorize a player's home phone number. A player also qualifies for the grand prize — a date with the Fair Political Practices Commission. Subpoenas not included.

— **Noncommitto.** Previewed by Los Angeles Mayor Tom Bradley and endorsed by state Senator John Garamendi and Assemblyman Gray Davis, this exciting new game offers tantalizing brain-teasers that players must come to realize are best answered by saying, "I am not going to answer." Round one of Noncommitto — subtitled "Rosebirdo" — posits the hypothetical question: "What if a Supreme Court justice whom you once supported was suddenly to engage in a battle for her political life and at the same time threaten your political life?" Special points are given to players who devise ways of making neutrality sound courageous.

— **Duke-o.** More than just a homonym for a slow-binding cement, Duke-o represents the Lottery's boldest stroke to date: a game of no chance. That's right. No risks are taken, no dice are rolled, all bets are off. Surfaces are scratched only to reveal more surfaces beneath. Honesty becomes the best policy, decency is its own reward and nice guys finish first. Budgets are passed, bills get paid and nobody shuts the lights off. Each game comes complete with No-Doz tablets.

Ed Goldman is a writer who takes chances in Sacramento.

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Lottery bonanza only a drop in education bucket

By CECILIA CHAN

When 58 percent of the state's voters approved a statewide lottery two years ago, they thought — as campaign and Lottery ads reminded them — that the state's schools would win, too. After all, according to the law itself, 34 percent of gross Lottery receipts must go to the state's public elementary and secondary schools, colleges and universities.

But for educators, the Lottery is a double-edged sword. More money is going to schools, but not enough to make much of a difference. And educators fear the public believes that schools now have enough money. In addition, they fear that state lawmakers will soon short-change schools by substituting Lottery money for increases that would otherwise come from general taxes. Although the California State Lottery Act of 1984 specifically prohibits the Legislature from doing this, education advocates feel that Lottery money takes the pressure off elected officials to continue the recent trend of ever-increasing appropriations for education.

How much money does the Lottery mean for schools? The governor's 1985-86 budget estimated the Lottery would provide $300 million in revenue for education during the 1985-86 fiscal year. But that was a shot in the dark that proved to be overly conservative. The estimate was made by the Department of Finance only a few months after the lottery initiative passed and long before the Lottery began operation — even before there was a Lottery Commission.

Because of the Lottery's subsequent success, schools should receive nearly two times Finance's prediction — or about $572 million for the 1985-86 fiscal year. That represents nothing for the first quarter; $272 million for the second quarter, $200 million for the third quarter and an estimated $100 million for the fourth quarter. Fourth quarter revenues are expected to be down because ticket sales are off. (Had the Lottery started at the beginning of the fiscal year on July 1st and this had been a more typical lottery year, schools could have received as much as $900 million.

That $572 million represents about $107 per student, per year. The per-student figure is reached by dividing $572 million by the average daily attendance (ADA) figures for grades kindergarten through high school and for community colleges and by full-time equivalent (FTE) figures for the University of California and California State University systems. The sum of $107 per student represents about 3 percent of the state's overall per-student allocation of $3573 per year.

How it's spent

Elementary and secondary schools get the lion's share of Lottery money — $463 million, or 81 percent. Community colleges will receive 12 percent or $69 million, CSU 4.5 percent or $26 million and UC 2.5 percent or $14 million. Based on experience from other states, the Finance Department expects lottery betting to increase by 11 percent in the next fiscal year.

Assuming that schools would have received $900 million for 1985-86, an 11 percent increase would give schools just

Cecilia Chan is a California Journal *intern.*

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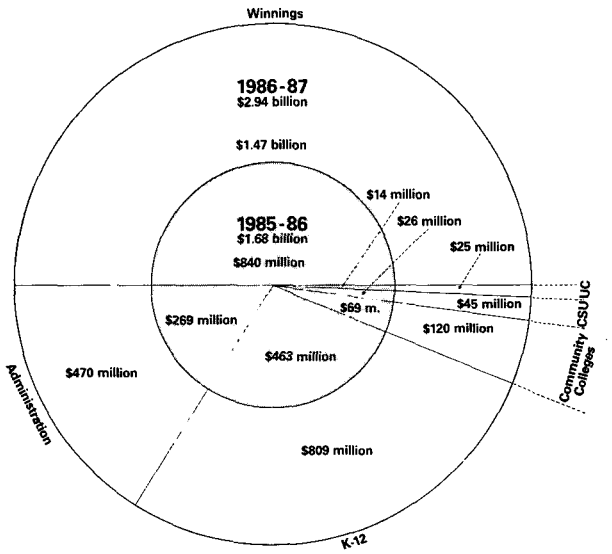
Lottery revenues



Source: The California Lottery Commission

short of $1 billion for the 1986-87 fiscal year, or $187 per student.

So, what are the schools doing with all this largesse? Public elementary and secondary schools shared $219 million in the first allocation of money, with each district deciding how best to spend its share. Based on a survey conducted by the California School Boards Association, the vast majority of school officials are spending the money on one-time items such as computers, books and salary bonuses for teachers.

"The range in spending is phenomenal," says Rebecca Baumann, director of governmental relations for the association. "The money is being used on anything from reserve funds to reopening of schools."

At the present time, however, school districts are prohibited from using Lottery money to address one of their most pressing problems — school construction. The Lottery law won't allow it, but the Legislature is trying several ways to alter the law: AB3470, by Democratic Assemblywoman Maxine Waters of Los Angeles, that would allow construction; and AB2979, by Republican Assemblyman Bill Bradley of Escondido, that will put the issue of using Lottery funds for construction on the November 1986 ballot.

In anticipation of these changes, some Lottery money is not being spent. For example, the Los Angeles Unified School District, the state's largest, has set aside more than half of its $30 million allocation for school construction that officials hope will alleviate overcrowding, according to Bob Booker, the district's controller. "The biggest issue now is to finance school facilities," says Jim Turner, Assembly Education Committee consultant. "The need is so great that we are going to go back to the people and tell them that Lottery money can be used for construction and maintenance of schools."

Not everyone wants this change in the law, however. For one, the California Teachers Association is fighting it, arguing that it is the reponsibility of the state — not the Lottery — to provide money for school construction. The CTA fears that once schools start using Lottery money for construction, legislators will provide less state money for this purpose. Of course, the more Lottery money is funneled into potentially expensive projects like construction, the less is available for such things as teacher salaries and reductions in class size.

The California School Boards Association would like the money spent on one-time expenses like computers or textbooks. Although they don't oppose legislative efforts to extend the use of Lottery money to construction, a CSBA spokesperson said that individual districts should not get themselves into a position of having to depend on a set amount of Lottery money in any given quarter because those revenues are too unpredictable.

The one thing that both the teachers' association and school boards' association agree on is maintaining local control over how Lottery money is spent. They don't want the Legislature to dictate where the money is to go.

"Local districts each have different needs, and each should decide on its own how to spend the money," says Len Feldman, communications consultant for the CTA.

Kay Albiani, former president of the CSBA, said, "Legislators are acting on special-interest groups' and their own prejudices. They think they know best on how to spend the money on education, but they aren't currently in tune with education."

Among those curious about how districts are spending Lottery money is the Commission on California State Government Organization and Economy (known as the "Little Hoover Commission"). Chaired by industrialist Nathan Shapell, the commission held a hearing on the subject in Sacramento in late May. State Controller Ken Cory, Lottery Director Mark Michalko and representatives of the state Department of Education and various school districts testified. The commission is expected to issue recommendations on school use of Lottery money in June.

Higher education

Although officials at the community colleges, state universities and the University of California welcome Lottery money, they say the amount received makes no significant impact on their budgets. The govenor's 1985-86 budget earmarked $1.2 billion for community colleges, $1.5 billion for CSU and $1.6 billion for UC.

The community colleges' slice of the Lottery pie was $57 million, with each district deciding how to implement its share of the money. As a result, the uses for the money varied greatly.

The Los Angeles Community College District, with nine campuses and the largest enrollment, received the largest share — nearly $3 million for the first quarter. According to Norm Schneider, the district's director of communication services, the money has been placed in a general fund and will be used for general operating purposes with no targeted spending.

Stuart Leonard, director of business services for the San Diego Community College District, says the biggest share of his district's first $1.6 million, some $400,000, will be be spent on up-grading the electronic labs. But the money will also be used for a variety of more mundane activities, including faculty travel and conferences, additional library materials and the replacement of small tools.

Mount San Jacinto Community College District's first share was about $76,000. The money will be spent on a whole series of instructional activities. "We will utilize the money into health-related fields since we are in an area with a large geriatric population," says district spokesman Robert Rockwell.

CSU and UC

The state university system's initial apportionment of $12.3 million went for new high-tech learning equipment, primarily computers.

"Personally, I like the idea of extra money," says Mernoy

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Harrison, associate vice president of finance at CSU in Sacramento. "The Lottery is going to help the school, but it's a very small part of the educational pie."

The University of California's first allotment totaled close to $7 million. The Board of Regents set aside $6 million for instructional computers and the rest for replacement of obsolete instructional equipment.

Larry Hershman, assistant vice president of budget, says that when spent for such things as instructional computers, Lottery revenues are significant. "We've been trying for years to get money for instructional computing," he said. "But in relation to the over-all budget, there is no significant impact."

No significant impact.

That is the message education lobbyists are trying to get across to the public and to the Legislature. Some have clearly received the message. For example, Assemblyman Sam Farr, a Democrat from Carmel, introduced AB2887, a bill to require that Lottery advertisements publicize the percent of Lottery revenue in the state budget's fund for education. For 1985-86 fiscal year Lottery revenues will add 2.9 percent to the education budget. For 1986-87, an estimated 5.7 percent of the education budget will be supplemented by Lottery revenues.

Less from the general fund?

According to Feldman, every time the public sees an ad with the slogan, "our schools win too," it leads to the notion that the Lottery is providing for public education and there is no need to provide more tax money for it. His perception is bolstered by Mervin Field's *California Poll* which last year showed that 75 percent of the public believed the Lottery provided a lot more money for public schools than it does.

Are educators correct in their fear that lawmakers will give education less from the general fund because of Lottery money?

No, say senators who serve on the Senate Education Committee. "Educators are voicing their insecurities," said Democratic state Senator Art Torres of Los Angeles. "The legislators are aware of the need of schools and how much money is actually provided by the Lottery."

Democratic Senator Wadie Deddeh of Bonita also agrees. "Education is on the top of the agenda," he said. "The 120 members of the Legislature each have kids or their neighbors have kids. Even if not, education alone as a subject is vitally important in the process and growth in the state and the nation."

But Marilyn Bittle, president of CTA, disagrees. "The legislators are using the Lottery money as a band-aid and aren't addressing the problems of education. We're a state with the highest income and the highest in technology, yet we are spending less than the national average (per pupil) in public education," she says.

According to Jim Wilson, an analyst for the state Department of Education, the estimated national average spent on each student is $3651 for 1985-86. California is spending an estimated $3573 per student. Wilson says that the Lottery revenues add $51 per student from the first quarter and an estimated $49 more for the second and third quarters, bringing the estimated per student spending to $3673. That put California's spending $12 above the national average.

Although Lottery revenues next year will be about $187 per student, CTA lobbyist Owen Waters said the games will never generate enough money to make an extraordinary difference. "The worst thing about the Lottery is that it has created the impression that schools are being taken care of by the 34 percent," said Senator Ralph Dills. "The Lottery is like the cart before the donkey."

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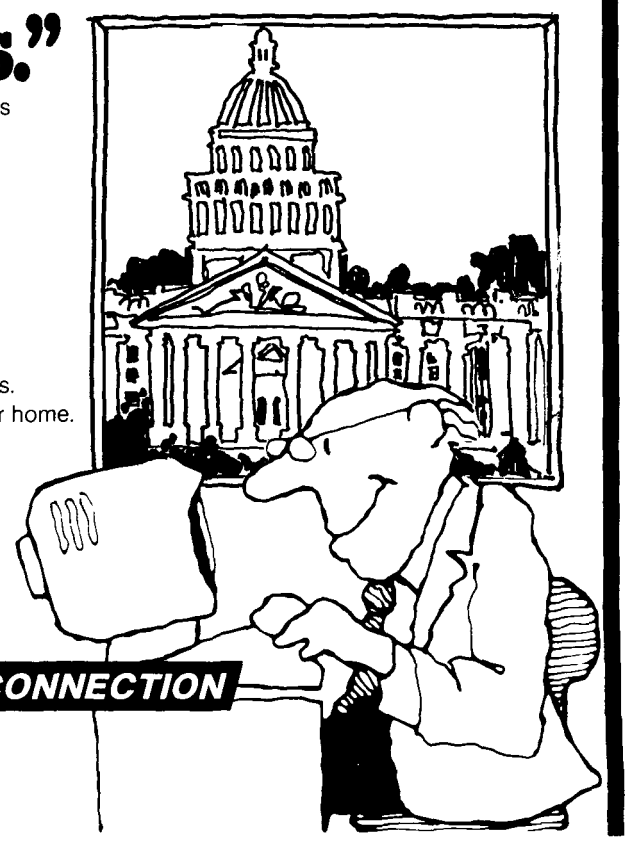

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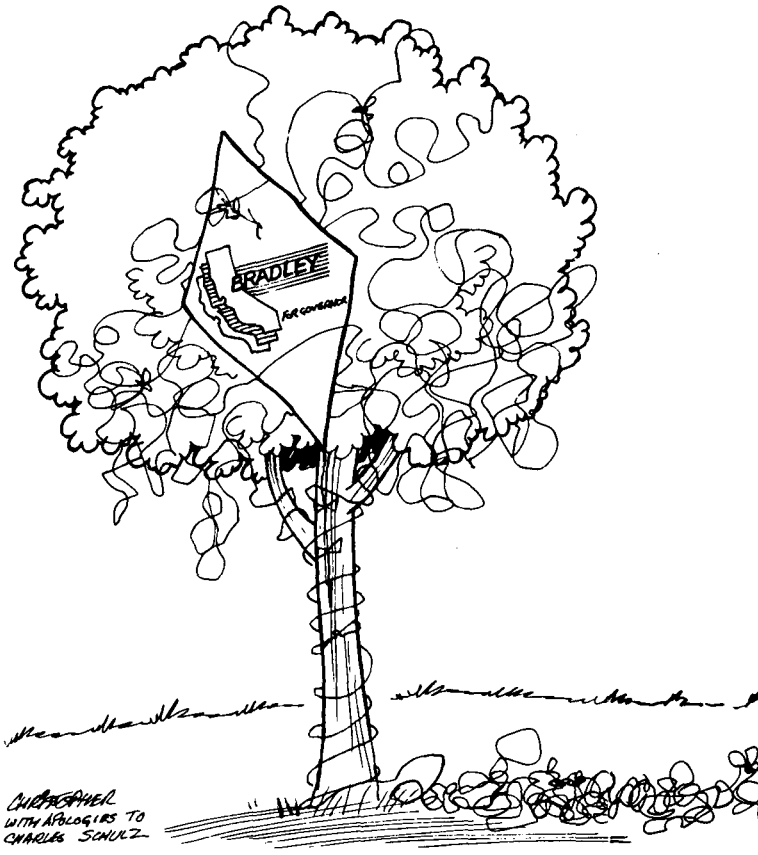

TOM BRADLEY'S

After stun can his camp

By RIC

Tom Bradley has a campaign consultant who says when he goes to the track, he never bets on the favorite. As a result, he's happy working for the Democratic mayor's second attempt to beat George Deukmejian and become governor of California.

He even professes not to be worried by the widespread suspicion — reinforced by a dramatic slump in public-opinion polls — that Bradley stumbled so badly coming out of the starting gate, there is no chance he can catch Deukmejian. And from the tone of the early campaign in both camps, the race looks like it might go to the candidate who runs best in the mud.

Despite polls last August showing Bradley slightly ahead of Deukmejian, the conventional wisdom, believed in both camps, has always been that the incumbent is the front-runner in the campaign. He is campaigning for reelection in good economic times, enjoys a reputation as a hard-working if bland leader, has raised an enormous amount of campaign money and seems to have little trouble getting more, and his campaign shows the careful control that has also marked his first term as governor. A recent *California Poll* said 48 percent of the public thinks the state is financially better off today than it was a year ago. When Deukmejian took office, only 5 percent of those polled said that. And another of Mervin Field's polls showed 89 percent of the public was "very happy" or "pretty happy." So why would it turn out an inoffensive governor?

To make matters worse for Bradley, his campaign started with a series of blunders that included his perceived inability to decide where he stood on the reconfirmation election of Chief Justice Rose Bird, an uncomfortable press conference on water issues where the mayor was obviously ill-prepared to discuss his own program, rumors of dissent within the ranks of Bradley's new campaign team and a last-minute scramble for money so the candidate would not look impoverished when campaign reports became public.

The Bird dilemma

Bradley's seeming inability to decide what to do about Bird raised the most questions about his candidacy. Chided for months by Deukmejian and hounded by the press, Bradley at first said he wanted 60 days to study Bird's record before announcing his position. He made matters worse by telling an interviewer he never endorsed Bird's 1978 reconfirmation when in fact he had been co-chairman of an independent committee that supported all the justices up for election that year, including Bird. Pulled in conflicting directions by his advisors, Bradley appeared indecisive, an impression Deukmejian was more than happy to reinforce.

Finally, Bradley, somewhat ahead of his self-imposed schedule, announced that he would not take a public position on Bird "as a matter of principle." The decision, Bradley said, was the "tough way out," but it brought only derision from the Deukmejian campaign, which contended the mayor had developed a new campaign slogan: "Dare to be neutral."

The delay also raised questions about possible divisions among Bradley's campaign team. Its members were said by some to be warring for the affections of the candidate and causing a normally deliberative Bradley to act even slower. For the current campaign, Bradley has assembled a crew, some of whom had worked in his most recent mayoral reelection campaign, comprised mostly of former officials from the Jerry Brown administration. Tom Quinn, Brown's first Air Resources Board chairman and a specialist in the use of radio advertising, was made campaign chairman; Mary Nichols, also a former ARB chairman, was made campaign manager in charge of day-to-day affairs. Political consultant David Townsend was hired to direct media production efforts, while Tom Houston, Brown's first appointee as chairman of the Fair Political Practices Commission, remained in City Hall as deputy mayor.

The new alignment was said to be causing problems on a number of fronts. Bradley's long-time advisors, while cut out of the power positions, were still close enough to influence the mayor and were said to be complaining about advice given by the newcomers, who were countering that it was the cautious style of the past that had cost Bradley the governorship four years ago when he lost by fewer than 100,000 votes. In addition Houston was said to be chafing at City Hall when he really wanted more control over the campaign itself.

As one veteran political reporter noted, "You get one side pulling him one way, and the other pulling him the other. Both sides are saying, 'These other guys cost you the campaign last time.' So Bradley decides he's going to make up his own mind, and you get decisions like Rose Bird."

Houston maintains these early problems have been worked out and that much of the difficulty stemmed from new staff becoming accustomed to Bradley's ways. "He's on his own time frame. He won't be pushed."

By mid-April, Bradley was down by 14 to 16 points in public-opinion polls, and Deukmejian's handlers privately were gloating they had the election all but won.

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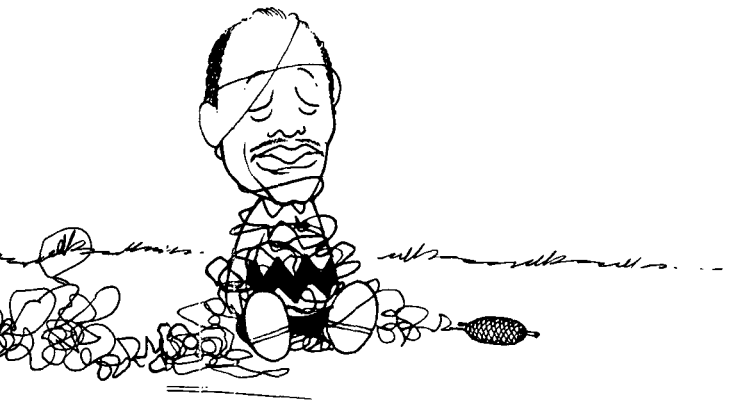

FOR GOVERNOR

ling start, gn be saved?

ZEIGER

But the Bradley campaign concedes no such thing. The concern about Bradley's problems rests largely with the press, they say, and not with voters. "There is," maintains campaign chairman Quinn, "a dramatic difference between what the press is thinking and what's happening in the real world." The differences among the campaign staff are no more than might be expected with any new organization, Quinn said, and although Bradley is down in the polls, the drop is not as great or as fast as it seems.

The drop that did occur was not the result of any perceived problems with the campaign or the candidate, Quinn maintained. He said Bradley's slide began shortly after an August *California Poll* showed Bradley with a slight lead over Deukmejian. The Bradley campaign took its own poll in January, well before the campaign difficulties began, which showed their candidate down by about 12 percent. Deukmejian spent several hundred thousand dollars on television ads shortly after that, which gave the governor another two to four points in polls taken during March.

"All that money they spent, all the stuff about Rose Bird, everything, only cost us at most four points," Quinn said. "Frankly, it could have been worse." Quinn admits, though, that it will be tough to win. But he says the mayor has devised a high-risk strategy that when all the votes are counted could make him governor.

Bradley's gamble

Bradley's strategy depends on two key elements: First, that voters do not really know much about George Deukmejian despite his three-and-a-half years as governor, four as attorney general and 16 in the state Legislature. Their feelings toward Deukmejian are warm, but not deep, this argument goes. Second, Deukmejian is vulnerable on several issues important to voters. He has, Bradley backers say, a poor record on toxics (an issue Bradley backers believe has more impact with voters than any other) and insurance. They add that Deukmejian's reputation as an effective administrator cannot stand the scrutiny of a tough campaign.

The Bradley campaign believes it can fill in the voters' missing impressions of Deukmejian with their own perception, and when this is done, the electorate will not like what it sees and will switch to Bradley.

"George Deukmejian, for the first time in his career, people are getting a fix on the man as somebody quite different than they thought he was. George Deukmejian is not Ronald Reagan. Either from a point of view of communication or integrity. That will be getting through to the public," said Quinn.

To alter even a thin impression of Deukmejian, Bradley must go on the attack. He began that attack in April with a series of radio advertisements that were followed in May by television spots. In both, Deukmejian's vetoes of toxic-waste bills and appropriations were linked to what Bradley said was more than $500,000 the governor had received from firms that dispose of toxic wastes or have toxic-waste problems.

The Bradley campaign is pushing particularly hard on the toxic issue because its polling shows this is one issue that might actually move voters to change their minds about a candidate. Their poll showed that 66 percent would vote against the governor if they believed he received substantial campaign contributions from toxic polluters.

The Deukmejian campaign responded that the ads were unfair and the Bradley campaign had become "pathetic," while one television commentator gave Bradley a "sleaze award."

But the Bradley attacks were having some effect. They distracted the press from Rose Bird, made the campaign appear more organized, put Deukmejian on the defensive and, just maybe, began making something of an impression on the voters. A *California Poll*, released in May, showed that the number of voters who thought Deukmejian was doing a poor job had increased from 8 percent to 15 percent over March figures. The bad news for Bradley, of course, was that 57 percent thought Deukmejian was doing a good or excellent job, up from 53 percent and the highest since he took office.

Still, the Deukmejian campaign was obviously nettled by the attacks. It started its own series of radio spots attacking Bradley. And the governor has had to answer a lot more questions about the quality of his toxic-waste program. Although he responds with figures showing the toxic-enforcement budget has doubled since he became governor and his long-standing but ill-documented claim that his administration has participated in cleaning up 100 toxic-waste sites, the fact remains that major toxic problems have gone unsolved and the administration has had trouble organizing its toxic-waste program.

Bradley also added the criticism that the governor was too friendly to the state's insurance industry and unveiled his own program to control spiraling insurance rates. As Houston noted, just about everyone will have to face an increased insurance bill before the November election, and in some parts of the state, including Los Angeles, the bill for auto-

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mobile insurance will exceed property taxes for many voters.

"The governor is going to find he's on the wrong side of that issue, too," Houston said.

Bradley's risk

Still, the attack strategy carries with it a substantial risk: That it will backfire on the mayor and undercut his own source of strength with voters. Bradley's strength four years ago, and the basis of his support now, is the public perception of him as a man much like Deukmejian: careful, judicious, restrained. But to alter the public's impression of Deukmejian, Bradley must go on the attack, and when he does that, he risks diminishing his own public reputation. The Deukmejian radio ads try to capitalize on this possibility. These ads featured a couple talking about the mayor, saying how disappointed they were to find out Bradley was not the above-the-fray leader they once thought him to be. The woman in the Deukmejian radio campaign says, "Bradley? I never thought he'd stoop to that."

Bradley campaign manager Quinn feels the attack strategy can be managed without doing much damage to the mayor. "He doesn't have to do those things himself," said Quinn, "I don't consider it risky. Besides, there is no other possible approach."

There is also the belief that the soft-spoken Bradley is ill-equipped to handle this attacking style, although Quinn contends "he'll be fine."

Bradley's strategy has to do one more thing, and soon. It has to restore the impression that the mayor can run a reasonable campaign against Deukmejian. Bradley trails badly in money-raising, with about $1 million on hand in March compared to Deukmejian's $7 million, and the suspicion is that raising money has become more difficult since the March *California Poll*. Bradley's campaign hopes the current batch

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Quinn

Houston

of radio and television advertisements will turn this around. Although Bradley can probably raise money from most of the traditionally Democratic sources, that is not enough to mount a really effective campaign. He also needs to get money from business interests already giving to Deukmejian who want to at least hedge their bets against the possibility that Bradley might win. Thus far, they have seen no reason to do that.

The Bradley handlers believe the campaign will be won on the state's airwaves, particularly in the Los Angeles area. To get on the air, they need lots of money, at least $7 to $8 million. Even then, they expect to be badly outspent by Deukmejian who could raise up to $15 million. Quinn knows he won't be able to match the Deukmejian campaign, but he thinks Bradley will have enough money. "We'll just have to be a lot more clever, that's all," Quinn said.

It will take a lot of cleverness. The Deukmejian campaign has so much money available, it's doubtful it will even be able to spend it all before the election is over. "There's only so much television time available," noted one campaign consultant.

And in the early stages Deukmejian has enough to do whatever campaigning he wants while reserving plenty of money for a final push just before November. For example, his recent radio spots were put on the air quickly to counter the Bradley effort, and the governor also bolstered those with a new round of television commercials designed to accomplish several purposes. Not only did they strike at Bradley's tactics, but they attempted to reinforce the positive image Deukmejian already has with voters. His second round of television ads, for example, featured a man describing all the characteristics he wanted in a governor as an artist produced a charcoal sketch that turned into the likeness of Deukmejian.

For Bradley, however, the challenge will be different. His problem is to stay close enough so the money will not dry up and he can bankroll some sort of advertising campaign in the election's final months. "He's got to make some sort of showing before the primary, or his troops are going to get discouraged," said Deukmejian campaign manager Larry Thomas.

If the Bradley managers are to be believed, the showing will be substantial before the election is over. "We will have enough to do what we need to do," insists Quinn.

Despite their respective reputations for caution and blandness, there is no love lost between Deukmejian and Bradley, and some believe there is a bitterness unusual even for old campaign opponents. Bradley was quick to take to the attack strategy, and Deukmejian wasn't shy of the low road when it came to a response. Neither seems anxious to repeat the staid campaign of four years ago. As a result, voters may find the Deukmejian-Bradley rematch much more interesting than the original.

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Los Angeles Times

Los Angeles Times

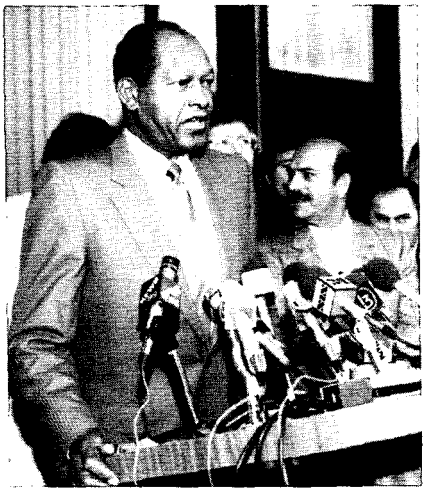
What this election means, the message it sends to you, all the children of this state, is that California is still a special place; a special place where what matters is not your name, not where you live, but what you do. What this election says to the children . . . what it says to all of us is, 'Yes, we can redeem that California dream . . .'"

This was the victory message Tom Bradley planned to deliver at his election headquarters on November 2, 1982. Election-day reports described large numbers of people standing in line to vote throughout the state. A heavy turnout was an essential component in the Bradley campaign's strategy to defeat his conservative rival — state Attorney General George Deukmejian. The mayor's supporters sensed victory. Bradley's own campaign pollster, Hugh Schwartz, predicted an 11-point Bradley win.

Despite the supportive poll, predictions and morning paper headlines, the final ballot tally showed Tom Bradley had lost his bid to become the nation's first elected black governor. His margin melted in the last second in the closest gubernatorial contest in modern California history.

Much has been written in the intervening four years about why Bradley lost what appeared an insurmountable lead. One aspect has been virtually ignored, however — press coverage of the fact that Bradley is black.

Coverage of the 1982 California gubernatorial election underscored the lack of consistent standards among journalists about how to cover a minority candidate. A post-mortem of the Bradley and Deukmejian campaigns and the massive media coverage they generated suggests that Bradley's racial heritage emerged as an important issue during the last six weeks of the 1982 gubernatorial contest despite numerous public pledges by both candidates to keep race out of the campaign. During this critical period, pollsters and the state's largest newspaper — the *Los Angeles Times* — focused public attention on the matter of Bradley's race. The race issue quickly evolved in campaign coverage from a passing journalistic reference to a prominent election theme. The Bradley campaign attempted to deemphasize race. In their view, the Los Angeles mayor was not a black candidate for governor but a candidate who happened to be black. His record of 39 years of public service was offered as evidence of his assimilationist ideology. The overall campaign goal was to present Bradley as an issue-oriented candidate with a portfolio of programs designed to benefit the entire state.



Times' coverage

While the Democrat's campaign attempted to meet this racial constraint, campaign coverage by the *Times* frequently made references to Bradley's race. In early September, for example,

J. Gregory Payne is an associate professor of communications studies at Emerson College in Boston and a political consultant. Scott C. Ratzan is a graduate student at Harvard's Kennedy School of Government. Both worked for Bradley's 1982 campaign and this summer they expect to publish an authorized biography of the mayor, Tom Bradley: The Impossible Dream.

THE *LOS ANGELES TIMES* and TOM BRADLEY

Did the *Times'* coverage cost Bradley the 1982 election?

By J. GREGORY PAYNE and SCOTT C. RATZAN

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Times' reporter William Endicott wrote in a front-page story:

"An unspoken but underlying issue is the question of race as Bradley bids to become the nation's first elected black governor. Although he publicly discounts race as an issue, Bradley has expressed concern over Deukmejian's failure to agree to a fair campaign practices agreement . . . But both Deukmejian and his campaign manager, Bill Roberts, have promised a 'high road' campaign, and both have vowed that, as far as they are concerned, race will not be an issue."

A comprehensive analysis of the *Los Angeles Times'* coverage of the 1982 gubernatorial campaign reveals that this reference to "Bradley's bid to become the nation's first elected black governor" was in fact an example of the paper's on-going examination of Bradley's race as a legitimate campaign issue. By the beginning of October, *Times'* campaign coverage had included numerous articles, headlines and polls that focused on Bradley's color.

Polls early on in the summer months of the campaign had Bradley leading his Republican opponent; a Teichner poll in the *Times* reported the Los Angeles mayor ahead by 22 points as late as September 26th.

But during the last six weeks before the election, Bradley's lead gradually eroded. Reporting results of Mervin Field's *California Poll* on page one in its September 26th edition, the *Times* focused on the finding that 6 percent of those polled favored Deukmejian because Bradley "is black or because they thought he would favor minorities." Field viewed this finding as "remarkable that even 6 percent would admit that . . . Whatever it is, it's an understatement." An earlier Field poll had detected 2 percent with similar views. I.A. Lewis, director of the *Los Angeles Times Poll*, wrote of the difficulty in assessing the impact of the racial factor: "Social scientists point out that there is a tendency for people to respond in a socially acceptable manner. It's not socially acceptable to be a racist."

The Roberts incident

Coverage of the race issue took a dramatic turn on October 8th when a page-one *Times* story carried the headline: "Deukmejian side: Bias closes gap, hidden anti-black vote: 'Fact of life.'"

Deukmejian campaign manager Bill Roberts had offered a rationalization for his candidate's poor showing in the polls. Said Roberts, "If we are down only five points or less in the polls by election time, we're going to win (because of) the hidden anti-black vote. It's (the hidden anti-black vote) just a fact of life. If people are going to vote that way, they certainly are not going to announce it for a survey (poll) taker."

Roberts' statements on an anti-black vote dominated *Times'* campaign coverage for the next five days. Bradley tried to downplay the incident. When asked by a reporter if he took Roberts' remarks as an insult, Bradley replied: "It's an insult not to me but to all the people of California to suggest that in 1982 people will vote for governor based on something other than the merits of the candidate."

An October 9th *Times* article again featured Roberts' remarks on page one, this time with a report on how they were received in the Deukmejian camp. The Republican candidate said he called Roberts and "we had a very serious discussion. Race is not relevant to this campaign," the attorney general said. "And I disagree with his comments." The story further reported that Deukmejian himself was "not counting on anything like that (the anti-black bias of some voters) in the campaign."

Within a week, Roberts was out as Deukmejian's campaign manager, and the *Times* — along with other major daily newspapers from around the state — reported his ouster.

Even after Roberts' departure, the *Times* continued to run stories connected with his comments. On October 14th, for instance, in a story about Roberts' successors, the *Times* wrote: "Nevertheless, the candidate made it clear that Roberts and his associates are out because the campaign manager said publicly what had been discussed privately by many political professionals — that public-opinion polls are unable to measure accurately how many voters are influenced by some hidden anti-black bias."

And again, the day after Roberts' departure, another *Times* headline referred to the race issue: "Bradley sees no sign of racist campaign: Mayor's comments come in wake of remarks by ex-Deukmejian aide".

Analysis of the *Times'* campaign coverage from the June primary to the November election reveals nine headlines which mention Bradley's race. Six of those headlines were in October editions, immediately after the Roberts' incident. Thus did race join crime and the economy as dominant media issues during the California gubernatorial campaign.

After Deukmejian's razor-thin victory over Bradley in November 1982, the *Times* continued to report on the importance of race in the election. On November 7th the paper ran this headline: "Anti-black vote key in governor's race". Based on a poll conducted by I.A. Lewis, the *Times* found that "500,000 Democrats and independents voted for Republican George Deukmejian last Tuesday, not so much because they were for him but because they were against Tom Bradley."

The *Times'* post-election analysis revealed that while both Deukmejian and Bradley had received identical straight party-line votes, Deukmejian had won because of cross-over votes. And almost half of the 17 percent Democrats and independents who voted for the Republican felt "government was doing too much for blacks and minorities." This compared with only one-third of the 15 percent of Republicans and independents who backed Bradley because "they felt government was giving too little attention to blacks and minorities."

Concluded the *Times*: "That 3 percent difference, possibly the difference between pro-black voters and anti-black voters, could account for 200,000 votes, more than enough to reverse the winner and loser."

Standards

What are the standards?

Did the *Times* over-emphasize the issue of Tom Bradley's race during the 1982 gubernatorial campaign? And what are acceptable standards for reporting on minority candidates?

According to Robert A. Baukus, a former media consultant for ABC News, "Minority issues, whether race, religion or whatever, should be used as background information, not as an identifier. Hence it should only be brought up once in a biographical story. Because race is unique, it is a shorthand description of what the newsman uses as an identifying characteristic of an individual rather than a classifier that can have possible negative stereotypic connotation in a wide segment of the population."

Edwin Diamond, a media critic and professor at New York University and MIT, agrees: "There are times when issues such as this are newsworthy and should be brought up within a story. But once it is mentioned and has been reported, it is no longer significant. Reporters have to ensure, as do editors, that they are not being used by others to keep an issue like race . . . within the public at the expense of covering the deliberation and debate of real issues."

Was the *Times* used?

Keith Love, a *Times* reporter covering the current Bradley gubernatorial campaign, feels it is easy for the media to be used in some situations. "I don't know if this was the case with the Roberts' anti-black comment," said Love. "But it was big news. It can sometimes snowball, and it did in that instance. The general rule in journalism is that if it's a possibility or a probabil-

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ity, you ask it."

But Love maintains that newspapers must consider the racial issue in campaign reporting, just as they would any other question that might affect the outcome of an election. In fact, Love this year raised the issue with Deukmejian who issued heated denials that race would have any impact on the election. Love buried the comments deep in his subsequent story.

Noel Greenwood, *Times'* deputy managing editor, said the *Times* editors didn't feel used in 1982. "The first question we asked ourselves in 1982 during the Roberts controversy (was), 'Is Deukmejian's campaign trying to use us?' As we answered in the negative, the brunt of our coverage was *why*. Was it an off-hand remark or planned?"

Roberts himself seems to dismiss the notion that the *Times* was used. Nor does he back down from the statement. "When I responded to a question from a reporter on the polls' impact on voting, I made a statement that cost me my job. There are racist voters. It's alive, and that vote made the difference in the race. There were eight million votes. If 5 percent were based on race, that means 400,000 votes. The media raised the issue. Then they jumped on it. They were constantly looking for any bigotry. When they saw one, they went overboard."

However, Dick Bergholz, a retired *Times* reporter who covered the 1982 race for governor, said the Roberts incident was "a significant event," one that could have been a factor in the race. He maintains that his paper did not overemphasize the event in its campaign coverage.

"It's an issue which you cannot duck," Greenwood said of Bradley's race. "Kennedy's Catholicism was a legitimate issue in the 1960 (presidential) campaign, and it should have been discussed. Our polling shows that parts of California don't know that Tom Bradley is black. It is our duty to inform the public."

Greenwood maintains "it is right for us to bring up the race issue, but I do not believe that discussion of it obscured other issues — not anymore. That argument was more valid 10 or 15 years ago, especially with Tom Bradley when he ran against Sam Yorty (for mayor). But now, race is just set aside as one of the legitimate issues that needs to be discussed."

The 1986 campaign

Thus far in the 1986 election, mention of race has been scant, buried deep within stories and overshadowed by issues such as the retention of Rose Bird on the state Supreme Court and whether Bradley or Deukmejian will be tougher on toxic polluters.

But that was the pattern in the first Bradley-Deukmejian match-up four years ago. It was only during the closing weeks of the campaign that the question of Bradley's race became prominent in election coverage. Because of that prominence, reporting resources of the *Times* and other newspapers were diverted. Other important issues received less coverage.

Media critic Diamond observes that there is "evidence in the California race in 1982, and in other elections, that the press sometimes has gotten off-track in terms of giving the public a real assessment of the issues that should be discussed."

To be sure, the apparent "anti-black" vote was a product of many factors, and it is impossible to trace how much of this can be laid at the doorstep of campaign coverage by the *Los Angeles Times*. But the highlighting of this volatile issue clearly distracted public debate away from other issues — both by candidates and by the press — during the crucial closing weeks of the 1982 campaign.

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Campaign 86

By A.G. BLOCK

BRADLEY ADS HAMMER DUKE

Trailing badly in statewide polls for governor, Democrat Tom Bradley bashed away at Governor George Deukmejian's ties to companies involved with producing or disposing of toxic waste. Bradley, in a series of radio and television ads, accused Deukmejian of accepting $500,000 in campaign contributions from toxic polluters while at the same time vetoing 21 bills that may have forced those polluters to clean up their acts.

Stung, the governor fired his own negative ads at Bradley, calling Bradley's effort "pathetic" and reminding his November opponent he had signed more than 60 toxic-related bills into law. Deukmejian also accused Bradley's mayoral administration of being "one of the major polluters in the state" because the city of Los Angeles was fined $180,000 by the federal government for dumping raw sewage into Santa Monica Bay.

Thus Bradley and Deukmejian were reduced to whining at each other like 10-year-olds across a playground. The spate of negative ads made it seem as though the campaign would offer nothing more than a five-month wallow.

Bradley's commercials produced a mixed result. According to Mervin Field's *California Poll* conducted during the radio campaign and released in mid May, Deukmejian's "excellent-good" job rating increased 4 percent (from 53 to 57 percent) since a similar poll in March. On the other hand, his "poor-very poor" rating nearly doubled — from 8 percent in March to 15 percent in May.

BRUCE AND EDs EMERGE

May polls showed the fog lifting from the Republican primary for U.S. Senate, and, lo, former television commentator Bruce Herschensohn, state Senator Ed Davis and Congressman Ed Zschau stood out front as the campaign lurched into its final weeks. A *California Poll* released on May 12th showed Herschensohn in second place with 18 percent, followed by Zschau and Davis with 15 percent each. (Davis' standing was misleading since it had been somewhat static since August 1985 while both Zschau and Herschensohn had improved signficantly).

First place went to "undecided," with 19 percent — a drop from 28 percent undecided in March. Los Angeles County Supervisor Mike Antonovich, Congresswoman Bobbi Fiedler, Assemblyman Bob Naylor and economist Art Laffer each polled 8 percent. (Fiedler proved the biggest loser, falling from 12 percent in March.)

The strong showings by Herschensohn and Zschau enable them to convert ratings into campaign money. Zschau is already the leading fund raiser, with over $1.6 million in his warchest as of mid April. In many ways, Zschau's campaign is a textbook lesson in what money and innovative media advertising can do for an unknown; one year ago, his name didn't even register in opinion polls.

The poll also revealed that nearly all of Herschensohn's support comes from Southern California where he was a conservative television commentator for KABC in Los Angeles for eight years before entering the Senate race earlier this year. According to the poll, the bulk of Zschau's support is centered in Northern California. The largest number of undecided voters are also in the north. It's expected that the winner will garner no more than 30 percent of the vote on election day. Field plans one more poll during the week before the June 3rd primary.

PROPOSITION 51 WAR HEATS UP

A controversial ad featuring state Attorney General John Van de Kamp, a Democrat, highlighted what became an expensive and bitter war over the "deep pockets" initiative — Proposition 51. Van de Kamp, an opponent of the initiative, appeared in one of two ads which said toxic polluters would benefit if the initiative passed. "It's my job to see that murderers and rapists are punished and that toxic polluters are stopped," Van de Kamp declared in the ad. "Californians are fed up with letting wrongdoers off easy. Vote 'no' on 51."

Initiative proponents called the ads, which ran statewide beginning in late April, "the worst misrepresentation of what this proposition is about." They challenged opponents to identify that the ads were in fact paid for by trial lawyers, the principal source of funding for the anti-Prop 51 campaign (see "Deep Pockets," *CJ*, May 1986). At the same time, proponents denied that the bulk of their funding also came from one well-heeled source — the insurance industry.

Van de Kamp was not the only major Democratic candidate to express opposition to the initiative; gubernatorial candidate Tom Bradley said he, too, was opposed to the measure. Bradley offered an alternative to ease a growing insurance-rate problem for the state, including an immediate freeze on rates.

Proposition 51 was not without influential friends, however. Governor Deukmejian and most California cities and counties — including Bradley's very own Los Angeles — supported it.

FEMINISTS BACK BIRD

Just when it seemed she had no friends at all, Chief Justice Rose Bird picked up some notable support — from the California chapter of the National Organization for Women. Not only did the state's largest feminist group endorse Bird, they decided to withdraw support from any candidate who opposed her. One of the first to feel the sting was Mary Jadiker, a Democrat seeking the Assembly seat being vacated by Republican Don Sebastiani. According to the *Sacramento Bee*, Jadiker's opposition to Bird cost her a $100-a-month stipend from NOW. Another candidate who incurred NOW's wrath was Secretary of State March Fong Eu who announced her opposition to Bird in April. Shireen Miles, state coordinator for NOW, said her group has made Bird's reconfirmation its top priority for 1986. NOW forgave those who remained neutral on Bird, however, granting endorsements to Democratic gubernatorial candidate Tom Bradley and Democratic controller candidates John Garamendi and Gray Davis during its mid-May state convention in Los Angeles.

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PINCKNEY PINCHBACK

The nation's only black governor

By DAN MEYERS

Los Angeles Mayor Tom Bradley wants to make history. His election as governor of California, Bradley repeatedly has said, would be "the fulfillment of the American dream."

And so it would. Sort of.

If Bradley defeats Governor George Deukmejian this November, he would be the first black to be elected a governor in the United States. Although voters have sent blacks to Washington, D.C., as representatives and senators, none has been sent to the top job in a statehouse.

Bradley's claim to fame, however, needs an asterisk in the record books thanks to a card-sharking, Shakespeare-quoting, gun-toting, crafty and courageous fellow by the name of Pinckney Benton Stewart Pinchback.

P.B.S. Pinchback, as he signed his name, served as chief executive of Louisiana for 36 days in 1872-73 after he helped impeach Governor Henry Clay Warmoth. Because Pinchback, who had been lieutenant governor, was appointed governor rather than elected, there is still room for Bradley to make his mark.

It should be said that Bradley, son of a Texas sharecropper, makes no point of the fact that he is black and says he wants others to judge him on performance, not color.

Polls in 1982 detected prejudice against both Bradley and Deukmejian because of their ancestry (Deukmejian is of Armenian extraction). Neither candidate raised race as an issue in 1982, although Deukmejian's campaign manager got himself fired for saying anti-black feeling would be worth 5 percent of the vote on election day (see story, page 301).

Such delicacy would have amused Pinckney Pinchback and others in that generation of black politicians that emerged during the Reconstruction Era following the Civil War.

Different times

Pinchback is as different from Bradley as are their times.

For starters, Pinchback was a Republican, a member of the party of Abraham Lincoln, at a time when being a Democrat in the South was synonymous with support for slavery.

The son of a white Mississippi plantation owner and a mulatto slave, Pinchback was born in 1837, the eighth of 10 children. "His features are regular," a contemporary newspaper reporter wrote of the adult Pinchback, "just perceptibly African, his eyes intensely black and brilliant, with a keen, restless glance. His most repellant point is a sardonic smile . . . It seems as though the scorn, which must rage within him at the sight of the dirty ignorant men from the South who affect to look down upon him on account of his color, finds play imperceptibly about his lips."

Major William Pinchback freed his common-law wife and children, but they were denied any inheritance when he died. Young Pinckney grew up working on Mississippi River boats and apprenticed himself to some of their more notorious gamblers.

He fought for the Union in the Civil War but resigned in protest over treatment of blacks. Pinchback then settled in New Orleans where he quickly became a spokesman for the interests of blacks and formed the Fourth Ward Republican Club. At the time, blacks comprised about half of Louisiana's 720,000 residents (as compared with about 7 percent of California's population in the 1980 census).

Reconstruction was a turbulent time. Although Southerners had lost on the battlefield, they would not stand by and quietly watch blacks and Northern carpetbaggers take power while they chafed under Union Army occupation. Although many states in Reconstruction gave blacks the right to vote and work and receive public education, the laws rarely were enforced. Blacks who tried to vote often were intimidated, even lynched. Election results often had to be enforced by federal troops.

In those risky years, Pinchback was an outspoken advocate of equal rights, but he urged blacks to be tolerant as well. "Prejudice," he told a Republican rally, "should be indulged in towards none. Prejudice is what wrongs, what injures . . . I could enjoin no greater duty upon my people than the exercise of that degree of forbearance which would enable them to conquer their prejudices — prejudices not against themselves but against whites."

Pinchback did well for himself, settling in a comfortable house decorated with photographs of black politicians and a portrait of Napoleon. He was one of five men proposed in January 1869 for the GOP gubernatorial nomination in Louisiana. But Pinchback decided he would be grasping for too much too soon.

"Thunderous applause had greeted the putting of Pinchback's name into nomination, and equally thunderous applause followed his declining," wrote

Dan Meyers covered the 1982 gubernatorial campaign for the San Jose Mercury News. He now writes for the Philadelphia Inquirer.

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his biographer, James Haskins, from whom some of these details are taken.

Pinchback settled for a state Senate nomination but lost the Second District by a 899-819 margin. Henry Clay Warmoth, a fellow Republican, was elected governor at age 26; Oscar Dunn, a former slave, became lieutenant governor.

Pinchback appealed his election results and the GOP-controlled Senate decided he had indeed won, by 163 votes. This news was not universally welcome. Three days later a mulatto who opposed the administration shot at Pinchback while the senator strolled along Canal Street. Ever-ready, Pinchback drew his own pistol and fired back. Both men were wounded. When local Democratic newspapers recounted the shootout, they made Pinchback look so villainous that he thundered on the Senate floor that he would reduce the city "to ashes" if the press attacks continued.

The vehemence of whites' antipathy toward blacks, meanwhile, had moved Warmoth into a more conservative camp within the Republican Party. Dunn, the black lieutenant governor, responded by trying, unsuccessfully, to oust the governor. Pinchback refused to join the rebellion, and the party split into Warmoth and Dunn factions, with Pinchback caught in the crossfire.

Then in November 1871 Dunn died of pneumonia. Thanks to better bribery, Pinchback became lieutenant governor on an 18-16 vote of the Senate on December 6, 1871. It was later discovered that opponents of Pinchback had offered a senator $5000 to change his vote. He didn't, although it is unclear whether he took the money. Warmoth, however, had successfully countered with an offer to Senator J.B. Lewis (a Dunn loyalist) of $15,000 in exchange for his support for Pinchback and any other test votes for the administration that legislative session.

In 1872 Louisiana was subjected to yet another fractious election which led to Pinchback's historical first. The Republican factions compromised on a ticket that included William Pitt Kellogg for governor and Pinchback for congressman-at-large. Running against Kellogg was John McEnery, a Democrat.

Typically for those times, both sides claimed victory in the November elections, including the contest for the congressional seat Pinchback sought. Warmoth, still feuding with the Republicans, maneuvered the makeup of the board overseeing the vote count to insure that McEnery and his ticket were declared the winners. The undaunted Republicans persuaded a federal judge to order the U.S. Marshall to seize the statehouse so the Warmoth legislature could not meet.

Warmoth thought he had figured out a solution and, on a warm Sunday evening in December, approached Pinchback with his idea. When the Republican legislators convened the next day, Pinchback dropped his bombshell. Warmoth, he said, the night before had offered him $50,000 and the right to make future appointments if Pinchback would organize the legislature to Warmoth's liking. Pinchback said he rejected the offer out of duty "to my state, party and race."

Warmoth denied the accusation. Yet he told the Senate, "Mr. Pinchback is not in the habit of resisting such temptations." The House quickly voted to impeach Warmoth for "high crimes and misdemeanors," and the Senate authorized a court of impeachment on December 16th which later decided against Warmoth.

Louisiana law stated that Warmoth had to be suspended from office as soon as the impeachment charges were filed. The lieutenant governor, Pinchback, succeeded him and served out the term until Kellogg was sworn in on January 13th.

The prejudice Bradley encounters on the campaign trail is nothing compared to what greeted Pinchback, who received death threats and a letter from a genteel New Yorker that began, "Dead Beat Acting Governor Pinchback Sambo."

As governor, Pinchback signed 10 bills and made more than 100 appointments. He also magnanimously declared himself the victor in the contested House election. The day after he turned over the office to Kellogg, Pinchback was elected by the legislature to the U.S. Senate, and he went to Washington to claim one of the seats.

In a sad footnote, neither the Senate nor the House agreed to seat him, although both had some black members during Reconstruction. After the 19th Century, it would take until Ed Brooke's 1967 election as a Republican from Massachusetts for another black to join the Senate.

Pinchback's rejection forecast the mean times to come, codified in the Supreme Court's *Plessy v. Ferguson* decision in 1896 that reinterpreted the 14th Amendment to the U.S. Constitution. Intended to bar discrimination, it was interpreted to allow "separate but equal" treatment of the races.

Pinchback was washed up in Louisiana politics. Until his death at 84 in 1921, he remained a minor figure on the national black political scene, active but overshadowed by better-known leaders such as Booker T. Washington. Today, there is no mention of Pinchback in that basic reference book, the World Almanac.

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BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 393,835 valid signatures; constitutional amendments require 630,136. In parentheses is the deadline for sponsors to submit signatures to county clerks, and the issue of California Journal *that contains a full explanation of each measure. (Regardless of the constitutional deadline, sponsors should have submitted signatures by the end of May for an initiative to be placed on the November 1986 ballot.)*

Continuing in circulation:

DEATH PENALTY — an initiative statute, sponsored by GOP Assemblyman Ross Johnson of Fullerton. (May 19th, February 1986)

AIDS — an initiative statute, sponsored by Khushro Ghandi and Brian Lantz of Los Angeles. (May 22nd, February 1986)

OFFICIAL STATE LANGUAGE — an initiative constitutional amendment, sponsored by Stanley Diamond, Carol Strayer and former U.S. Senator S.I. Hayakawa of San Francisco. (June 2nd, February 1986)

FIREARMS — an initiative constitutional amendment, sponsored by Carl Murphy, Bernadine Smith and Richard Deming of Hanford. (June 2nd, February 1986)

MOTOR VEHICLE LIABILITY INSURANCE — an initiative statute, sponsored by Adam Burton of Los Angeles. (June 26th, March 1986)

SECOND DEGREE MURDER SENTENCES — an initiative statute, sponsored by James B. Roufs of San Luis Obispo. (July 7th, March 1986)

CANNABIS CONTROL ACT — an initiative statute, sponsored by Barton G. Gilbert of Burbank. (July 14th, April 1986)

STAR WARS — an initiative statute, sponsored by William Flannery of North Hollywood. (July 21st, April 1986)

BEVERAGE CONTAINERS — an initiative statute, sponsored by Bill Shireman of Sacramento. (July 21st, April 1986)

TOXIC DISCHARGES, DRINKING WATER — an initiative statute, sponsored by Democratic Assemblymen Lloyd Connelly of Sacramento and Gray Davis of Los Angeles, Democratic state Senator Art Torres of Los Angeles, David Roe of the Environmental Defense Fund and Carl Pope of the League of Conservation Voters. (July 25th, April 1986)

CAMPAIGN SPENDING — an initiative statute, sponsored by Walter Gerken of Corona del Mar. (August 1st, April 1986)

OPEN PRIMARY ELECTIONS — an initiative statute, sponsored by Cynthia Trania and Joseph Gattuso from the San Francisco Bay area. (August 1st, April 1986)

ABORTION — an initiative constitutional amendment, sponsored by Susan Sassone of the Santa Ana-based group "Choose Life." (August 18th, May 1986)

GAMBLING — an initiative constitutional amendment, sponsored by Gerald Ronnebeck of Adelanto. (August 18th, May 1986)

Qualified for November ballot:

COMPENSATION OF PUBLIC OFFICIALS, EMPLOYEES, INDIVIDUAL PUBLIC CONTRACTORS — an initiative constitutional amendment, sponsored by Paul Gann of Carmichael, that sets constitutional limits on the salaries of all elected officials. The governor's salary would be $80,000 per year and the salary for all constitutional officers $52,000. The maximum salary for any elected or appointed state or local government official would be 80 percent of the governor's salary, or $64,000. Compensation for an individual under contract to any public agency also could not exceed 80 percent of the governor's salary. Salaries for elected officials and the judiciary could be increased only by a vote of the people.

TAXATION: LOCAL GOVERNMENTS AND DISTRICTS — an initiative statute, sponsored by Howard Jarvis of Los Angeles, that will require a two-thirds vote of a local government or district legislative body, plus a majority vote of the voters, before special taxes can be imposed by the local government or district. It also requires a majority vote to continue taxes imposed after August 1, 1985.

Petitions submitted:

MALPRACTICE — an initiative constitutional amendment, sponsored by Dr. Russell S. Kussman of Los Angeles, that will guarantee that "all victims" have the right to seek compensation for injuries caused by a "wrongful act by a health-care provider" and the right to a jury trial unless that right is waived by the victim.

Failed to qualify:

TAXATION — an initiative constitutional amendment, sponsored by Howard Jarvis, that would have required a two-thirds vote of each house of the state Legislature to increase taxes imposed by the state. Petitioner Jarvis did not circulate petitions for this measure.

CRIMINAL PROCEEDINGS — an initiative constitutional amendment, sponsored by Sterling Norris of Northridge, that would have transferred from attorneys to judges the questioning of prospective jurors. It also provided that a grand jury indictment is sufficient to compel a trial without a preliminary hearing and that, except in death-penalty cases, a verdict could be rendered by 10 jurors rather than by a unanimous vote of 12.

PESTICIDE DISCLOSURE — an initiative statute, sponsored by Robert Boesch of San Francisco, that would have declared food to be adulterated if radiation treatments or pesticides applied to it or used on raw agricultural commodities were not disclosed to consumers. It also would have made it illegal to pack, ship or sell produce without complete disclosure of all pesticides used on the products and would have increased criminal penalties for selling adulterated food.

Source: Secretary of State March Fong Eu

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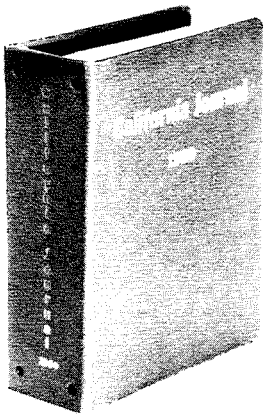

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CONVERTS JOIN SUPPORTERS

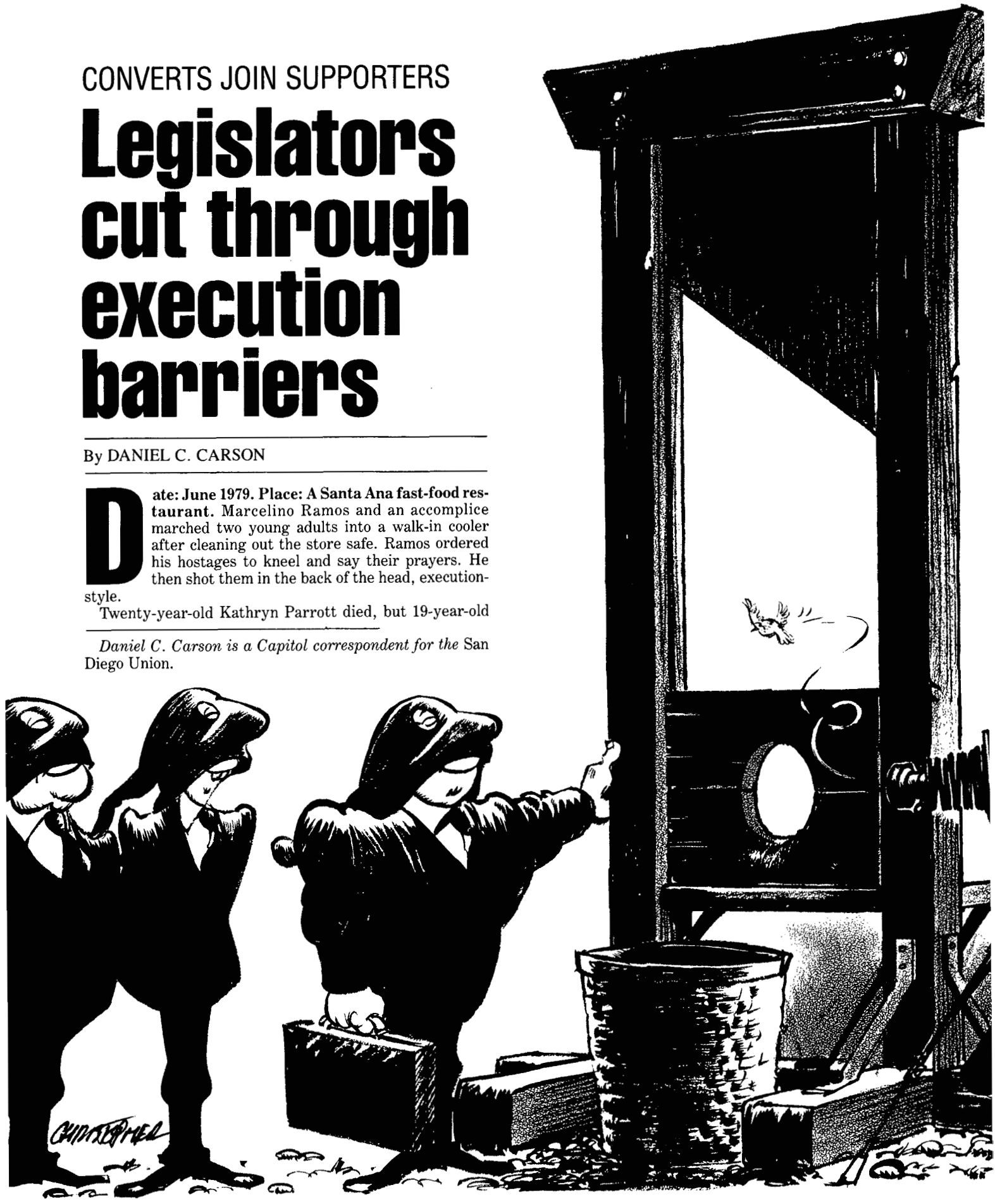
Legislators cut through execution barriers

By DANIEL C. CARSON

Date: June 1979. Place: A Santa Ana fast-food restaurant. Marcelino Ramos and an accomplice marched two young adults into a walk-in cooler after cleaning out the store safe. Ramos ordered his hostages to kneel and say their prayers. He then shot them in the back of the head, execution-style.

Twenty-year-old Kathryn Parrott died, but 19-year-old

Daniel C. Carson is a Capitol correspondent for the San Diego Union.



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Kevin Pickrell survived to identify their assailant as Ramos, who was tried, convicted and sentenced to death by an Orange County jury.

In January 1982 the California Supreme Court reversed Ramos' death sentence on the grounds that improper instructions had been given to that jury. The Court held that the jury should not have been told that sentencing Ramos to life in prison "without possibility of parole" did not guarantee later commutation of his sentence by the governor. Such an instruction, the Court argued, would make a jury more likely to grant the death penalty and undermine the right to a fair trial guaranteed by the United States Constitution.

The U.S Supreme Court later overturned this ruling and upheld the death sentence. But in November 1984 the state high Court struck the death sentence down on new grounds. The Court determined that Ramos' jurors should have been instructed that they must specifically find that a murder was intentional before imposing as harsh a penalty as death. And the jury instruction on parole, although in keeping with the U.S. Constitution, nonetheless violated the California Constitution, the Court determined.

Flaws or nitpicking?

In the past eight years about 213 persons have been scheduled to die in California, according to the attorney general's office. But no one has been sent to the gas chamber. In 52 of 55 cases reviewed by the state Supreme Court as of February 1986, the justices found fault with criminal procedures or the death-penalty statute itself, and death sentences were reversed. In the other three cases, capital punishment was upheld, but further federal and appellate *habeus corpus* reviews have delayed executions.

About another 165 inmates, the Department of Corrections says, are waiting on death row — some for as long as six years — for the California Supreme Court to take up their automatic appeals.

To supporters of the Court, cases such as Ramos' point up deep procedural flaws in the 1978 death-penalty initiative — sponsored by then-Republican state Senator John Briggs of Orange County — that only now are being remedied through judicial interpretation. The initiative, expanding greatly a more narrowly written legislative statute, was passed 2-1 by the electorate.

But to Court critics, the delays and reversals constitute procedural nitpicking that has frustrated the will of the voters, who want dangerous murderers put to death.

Although the existing law calls for all death-penalty appeals to the Court to be decided within 150 days, Ramos' bounced around state and federal courts for years. And the Court majority ventured into new legal territory by asserting independent state constitutional grounds for blocking the execution — in effect putting a state court in the position of overturning the U.S. Supreme Court.

State Court critics have responded with a campaign to unseat the Court's liberal, Brown-appointed majority, particularly Chief Justice Rose Bird, when the justices stand for confirmation on the November 1986 ballot. It is being conducted with remarkable ferocity, both by Bird and by her legion of conservative critics.

Bird, at this point, holds the short end of the stick. According to Mervin Fields' *California Poll* taken during late March, 53 percent of voters oppose Bird's confirmation while only 33 percent would grant her another 12-year term. Fourteen percent remain undecided. Other polls show continued public support for capital punishment as well.

The Court's controversial rulings have also set the stage for a fascinating political sideshow. Both critics and backers of Bird have proposed to overhaul the death-penalty laws to plug Court-created "loopholes" and expedite the appellate process.

Among the backers of death-penalty reforms are new converts to a pro-death-penalty position and Democrats anxious to increase their distance from Chief Justice Bird. Lieutenant Governor Leo McCarthy, for example, late last year announced that after much soul-searching he had decided he now favors the death penalty, although he has also, and more quietly, said he favors Bird's retention.

But, as if in defiance of the laws of gravity, the parties can't seem to come to terms.

First, the Democratic majority on the Assembly Public Safety Committee acted last May to deep-six a Deukmejian administration death-penalty bill carried by Republican Assemblyman Phil Wyman of Tehachapi. That wasn't especially surprising. Earlier proposals backed by the governor, and carried by Fresno Republican Senator Ken Maddy and Assembly Minority Leader Pat Nolan of Glendale, bit the dust in the 1983-84 session.

Amazing stories

What happened next was unusual. For the first time since 1977, the committee voted out a death-penalty bill (AB 989), a rival measure by Assemblyman Gary Condit, a Democrat from Ceres in Stanislaus County, that strongly resembled Wyman's.

A knock-down, drag-out fight ensued in both houses. Pro-capital-punishment Republicans, in odd coalition with the dwindling number of liberal Democrats opposed to the death penalty, managed to bury the Condit bill. Ironically, it got stuck in the very same Assembly committee that had initially advanced it.

Condit's bill failed because Assembly Republicans were unsuccessful in grafting onto it a proposal to dock the pay of Supreme Court justices any time they delayed more than 150

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days in deciding a death-penalty appeal. The amendment was the price of their support, and its language came straight from a citizen initiative crafted for the November 1986 ballot by Republican Assemblyman Ross Johnson of La Habra and conservative political groups.

Johnson asserted the Condit bill is "a fraud on the people" intended to make some Democrats who have long opposed the death penalty look like its champion. In order to be effective, a measure must contain strong language forcing the state's high Court to act on its backlog of death-penalty appeals, he said. Johnson noted that the 150-day limit for decisions on cases is already law but is being sidestepped by the courts for months or even years through what he terms the subterfuge of not certifying the completion of lower-court records.

"What we're saying is, let's enforce existing law," said Johnson. "We have a backlog that literally means convicted killers can expect to die of old age before their appeals are exhausted."

The Sacramento-based Law and Order Campaign Committee, founded by Republican Senator H. L. Richardson of Arcadia, criticized Condit's bill as "a mechanism for pro-Bird/anti-death-penalty politicians to hide behind when they face the voters" in the 1986 elections.

But Condit, who has renewed the fight for his bill in the 1986 session, recently chalked up conservative opposition as basically political. Said Condit, "Here you have the first Democrat to carry a death-penalty bill since maybe never. And you've got a Democrat with an extremely strong, tough bill. There are some people who didn't want to see that happen."

Condit is counting on local law-enforcement officials to rev up support for his measure, and he is making progress. In October, Santa Barbara District Attorney Thomas W. Sneddon Jr. wrote Johnson, "What you and the other Republican members of the state Legislature are doing to block this bill is outrageous and politically counterproductive, if not stupid." Sneddon, a Republican, pointed out his political affiliation in the letter and said the GOP vote against Condit is "rank politics of the worst kind in dealing with issues which should have the highest priority of the Legislature — protection of the public."

Months of bargaining between Johnson and Condit have narrowed their differences, but as of early May no deal had been struck. Johnson pursued his low-key, direct-mail campaign to gather signatures for his initiative in advance of a May 19th deadline. Condit began laying the groundwork for another push for his bill, using the argument that Johnson's amendments to compel Court action aren't needed because of the political retirement of state Controller Ken Cory.

Both a GOP and a Democratic candidate to replace Cory — respectively, state Senator William Campbell of Hacienda Heights and Assemblyman Alister McAlister of Fremont — were ready to publicly declare their willingness to withhold checks of high Court justices whenever rulings on pending cases had been delayed more than 150 days. Cory had declined to invoke, on his own authority, that constitutional deadline.

Curiously quiet

Amid all the partisan posturing, two state constitutional officers — one a Democrat, one a Republican — have been curiously quiet.

Attorney General John Van de Kamp personally objects to capital punishment but has sometimes backed bills to enhance it with the explanation that he is carrying out the expressed will of the voters. But in an interview late last year he could not remember his position on Condit's bill, and the assemblyman said he received no assistance on the bill from the state's top law officer during 1985.

In a brief interview Van de Kamp also expressed reservations about the Johnson plan to dock Supreme Court pay as long as capital cases are backlogged — but stopped short of outright opposition to it. But with election season approaching, Van de Kamp's office has finally taken a hand and is helping to draft compromise amendments for the Condit bill.

Meanwhile, Deukmejian, through spokesmen, also has declined to take a public stand on Johnson's so-called "Save the Death Penalty Act of 1986." More than any issue, the governor built his political career on a crusade for reinstatement of capital punishment in California. While a legislator, he twice carried successful measures to restore the death penalty after separate U.S. Supreme Court rulings wiped out California statutes. His speeches as attorney general and governor are punctuated with demands for executions.

But in 1985, once his own death-penalty bill was defeated, Deukmejian took to the sidelines, in contrast with his per-

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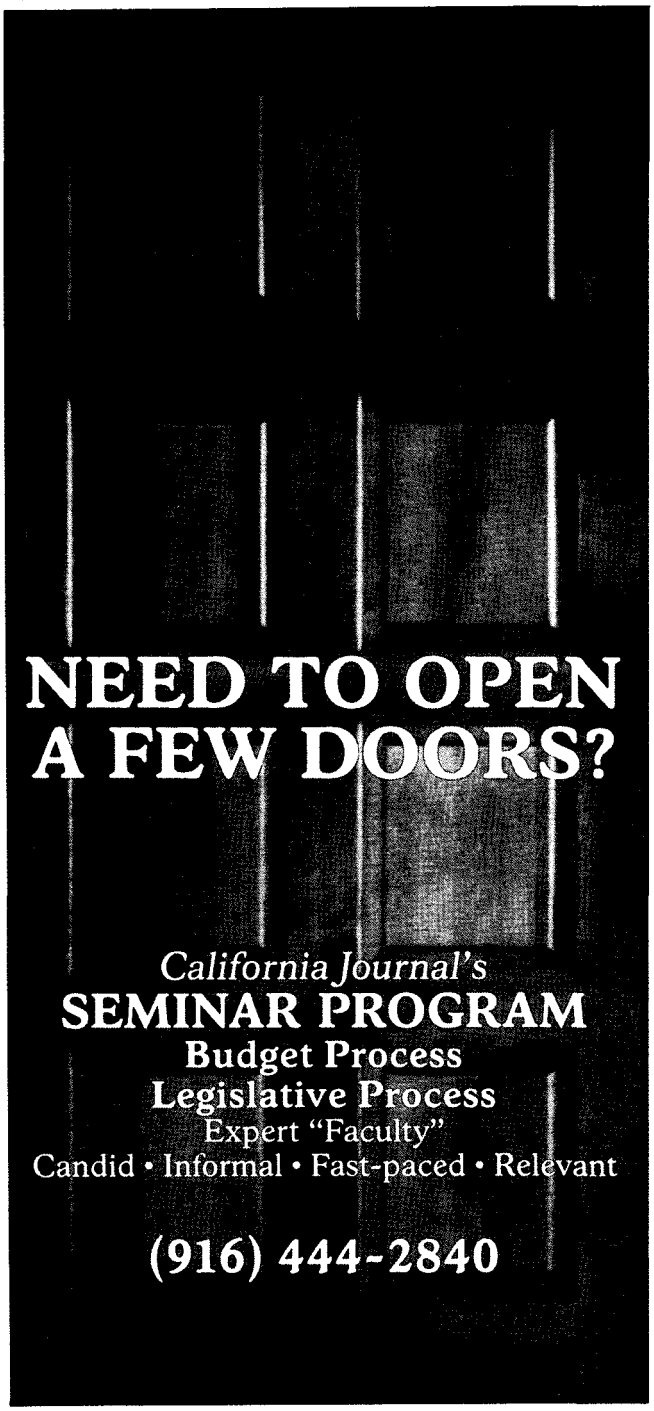

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Condit

Johnson

sistent efforts to secure welfare reform and prison-construction legislation.

Deukmejian's chief lobbyist, Michael Frost, said the governor probably would have signed the measure but never officially endorsed it because he wanted stronger language to speed up Supreme Court processing of death-penalty appeals. Both Condit and Johnson say the administration in fact has made no effort to push them toward compromise.

Deukmejian's striking lack of interest in rewriting the death-penalty statute may reflect his strong desire to see Bird ousted from the Court, a position that has been near the center of his early campaign for reelection. The governor and his aides, including Frost, have stressed that the membership of the Court is what's most important in implementing capital punishment.

"We believe the fundamental problem is not the law. It's the Court," said Frost.

But Condit and Johnson agree that even if voters reject incumbent justices and let Deukmejian appoint a pro-death-penalty high Court majority, the new justices may sometimes be compelled by precedent to block some executions — unless the law is changed.

"It's important we deal with some of those specific precedents," said Johnson. Los Angeles District Attorney Ira Reiner, a sponsor of the Condit bill, told lawmakers, "No matter how the composition of the Court is changed, the new justices will be bound by the precedent of prior decisions."

Such arguments prompted San Fernando Valley Senators Alan Robbins, a Democrat, and Ed Davis, a Republican, to launch a push in 1986 for legislation and an initiative to reactivate the gas chamber. Robbins for a time voiced hope that he could overcome what he terms "the partisan bickering going on in the Assembly." But by May both the bill and the petition drive had been scuttled.

Sheldon Davidow, a Robbins aide, said the measure, SCA29, simply didn't have the votes to clear the Senate Judiciary Committee. "There was a discussion in our house about whether that (measure) was the appropriate way to go because of all the other issues that are out there," Davidow said. "He (Robbins) felt that, with the climate already highly charged on Judiciary, he did not want to make an important policy issue part of that debate."

Other sources suggest that some conservatives backed away from SCA29 out of fear it would offer Democrats political protection on the Rose Bird issue, while some Democrats feared to the contrary — that a death-penalty initiative on the November ballot would hurt Bird's bid for reconfirmation. Thus a stalemate was created for a measure that would have amended the state constitution to bar the California Supreme Court from using state constitutional grounds to block executions.

Precedents set by the U.S. Supreme Court would govern the outcome of capital-punishment appeals. If such a law were on the books already, 30 persons on death row would already have been legally executed, Robbins said.

But even Robbins admitted it may be impossible to write a law that will force an unwilling Court to fire up San Quentin's gas chamber, a facility dormant since 1967.

And Michael G. Millman, director of the California Appellate Project, which handles death penalty-appeals for indigent defendants, suggested recently to prosecutors their efforts may be self-defeating.

"I believe that the last thing we need now are new death-penalty statutes which will change the law around again in a renewed attempt to sentence more and more people to death," wrote Millman in *Prosecutor's Brief* magazine. "That's exactly where California went wrong in 1978, when it replaced then-Senator Deukmejian's tight death-penalty statute written by skilled prosecutors with a Briggs Initiative with holes so big in it that appellate attorneys can drive Mack trucks through them . . .

"In my opinion, California does not need more death penalty legislation; rather, we need to have existing law construed to preserve its constitutionality and stabilized."

That same conclusion was reached by Gerald Uelmen, now dean of the Santa Clara University School of Law, in a study commissioned by the Senate Judiciary Committee. "The Briggs initiative added little to the law except confusion, and the price being paid for that addition is numerous reversals that would have been unnecessary if the 1977 law had remained unchanged. But Republicans on the committee pointed out that Uelmen is personally an opponent of capital punishment, and Deukmejian challenged the notion that Briggs' drafting was at fault.

"She (Bird) has also ruled that she thinks the law I authored was unconstitutional," said the governor during a Capitol press conference. "So it's a very, very clear pattern that she's just strictly against the death penalty."

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Photo by Rich Pedroncelli

RETIRED ANALYST BILL HAMM

The Legislature's skeptic

By THORNE GRAY

Until he recently left to be vice president for a savings-and-loan corporation, Legislative Analyst William G. Hamm called them like he saw them, confident his non-partisan robes were as thick as an umpire's chest protector.

To the dismay of Governor George Deukmejian's Finance Department and image-makers, Hamm said their champion — contrary to his public claims — had boosted state taxes and revenues by $2.4 billion since taking office. Hamm also said the state was spending $500 million per year more than it was collecting and that the governor's prized $1.16 billion "rainy day fund" set aside in his proposed $36.7 billion budget for 1986-87 would be far less than expected.

He has been equally critical of programs by Democrats, leaving more than one committee chairman fuming when a pet project was opposed.

Hamm's criticisms of the Deukmejian budget this year led the governor to call him "irresponsible," and Assembly Republican Leader Pat Nolan of Glendale complained that Hamm is "very partisan, not non-partisan."

But this year's Republican complaints sound similar to those voiced by Democrats in other years. Five years ago, for example, Assembly Speaker Willie Brown called Hamm a reactionary wolf in non-partisan sheep's clothing. Brown complained that women and minorities were under-represented in the analyst's office and that Hamm made a habit of objecting to people's programs while lending support to "non-people's programs."

Usually, though, Hamm won plaudits for fairness and balance from both political parties throughout his tenure as the Legislature's fiscal watchdog. He presided over a staff of 90 experts and their assistants, some of whom he considered "about the brightest young analysts I've ever even heard rumors about." Together they poured through the governor's budget, picking apart each department and program, questioning, probing and raising objections, all the while turning out special reports and keeping a skeptical eye on the costs of thousands of bills that legislators proposed.

It is the perception that Hamm criticizes all equally that protected him, and the two men who preceded him in the $83,380-per-year analyst's job, from retribution in this most political of worlds.

Tough to fire

No legislative analyst has ever been fired. In part, the rules make this difficult. The analyst is hired by the 14-member Joint Legislative Budget Committee, the only legislative committee established by statute. The committee names its own chairman, and committee decisions take four votes from each house. The majority party in either house controls only three seats. These complicated rules frustrate both partisanship and inter-house rivalries and had helped insure the freedom enjoyed by Hamm and his predecessors, Roland Vandegrift (1941-1949) and A. Alan Post (1949-1977).

"What's so unique is the fact that the California Legislature is a very political body that nevertheless tolerates and even encourages a bunch of non-partisan objective analysts to come over and speak into those live mikes on a whole variety of issues," said Hamm. "They don't always do what we recommend, which doesn't make them wrong. But they generally listen. I think that's extraordinary."

If there were going to be a time to make a move to politicize the position, observers believe it would be now, when the Legislature is in the process of selecting a successor. But standing in the way of any such move is Senator Walter Stiern, the Bakersfield Democrat who is chairman of the Joint Budget Committee. Stiern, dean of the Senate, is retiring this year, but he intends to find Hamm's replacement

Thorne Gray is a Capitol reporter for The Sacramento Bee.

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before he leaves in November.

Stiern has been in charge of the Joint Budget Committee for eight years, as long as Hamm has held the job. Indeed, some believe that Stiern's decision to leave spurred Hamm to act, an assertion Hamm rejects.

Early on, Stiern said, he asked committee colleagues if he should step aside in favor of a member who would continue in office next year when the new legislative analyst would be starting work. Committee members instead asked Stiern to proceed, telling him they trusted his ability to be fair in the selection of a new analyst. Meanwhile, Chief Deputy Legislative Analyst John Vickerman has been named Hamm's interim replacement, the same duty he undertook following Post's retirement. The committee has hired a head-hunting firm, Ralph Andersen & Associates, to conduct a nationwide search for Hamm's replacement. More than 100 applicants are expected, including some from within the analyst's office, and the search should take more than two months to complete.

Attempts to sway

Although the search procedure is underway, that doesn't mean some attempts won't be made to sway the committee toward one candidate or another. For example, Senator Alfred Alquist, a San Jose Democrat and chairman of the Senate Budget Committee, recently squired around Jerry Brown's former finance director, Mary Ann Graves.

Hamm believes any candidate with an openly partisan past, regardless of credentials, would "come to the office with a cloud over his or her head. It would make it more difficult for him or her to get the kind of wide-spread acceptance among the members that a legislative analyst needs."

It is unlikely that the next candidate for the job will have at least one of the qualities Hamm possessed. Hamm is the nephew of his predecessor Post, whose wife is the sister of Hamm's mother. Hamm, 34 at the time, was the deputy associate director of the federal Office of Management and Budget in the Carter administration.

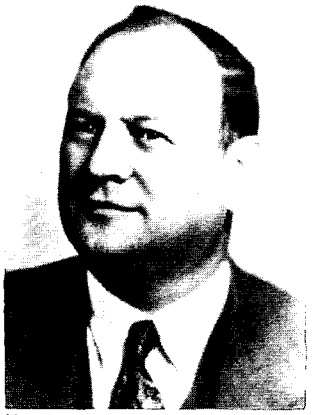
Comparisons of Hamm with Post, who held the job for 28 years and made it the model of non-partisan policy review, are inevitable. By most accounts, both men have the same quick, analytical and skeptical minds. But Hamm has a cooler, some say cold, personality compared with his more genial uncle. Post probably was liked better personally by the legislators he worked with than was Hamm. Hamm said his uncle, who still lives in Sacramento and whom he sees periodically, never offered advice about how to run the office.

Although Hamm believes he is free to be critical of existing policy, he realizes there are limits on how far he can go if he wants to be effective. "This is a non-partisan office, but that does not mean that we have to be oblivious to the political forces out there," said Hamm in a recent *California Journal* interview (see below). "We have to take them into consideration because we don't want to waste a lot of our limited time developing issues that the Legislature can't deal with."

Hamm also said that one of his most important jobs over the years was to protect the independence of his office and his staff. Periodically, he noted, he had to meet with lawmakers who he thought unfairly berated his staff. Criticism of the quality of work is fair, Hamm said, but not complaints just because a lawmaker doesn't like the conclusion. By and large, he said, legislators were good about allowing him independence. For example, he could not think of one instance when an assemblyman or senator tried to force him to hire a specific person as an analyst. Given the fact that Hamm was in charge of one of the state's larger pool of employees exempt from civil service requirements, he said that record was "quite remarkable."

Hamm also gives the Legislature high marks as a policy-making body. Even though he doesn't always agree with them, Hamm said he thinks "they're probably the best-equipped people in California to do what a policy maker has to do; to broker, to harmonize, to accommodate and come up with a policy that reflects the interests of the people."

Post



Vandegrift

Hamm says there's "nothing pushing him out of this job." Why leave, then? "I just got a better offer," he said of his new position as a vice president for operations analysis at World Savings and Loan in Oakland. "It was a long-term decision to try something different."

As for his successor, Hamm believes that the person should be independent and skeptical, "one of those people who, when someone says, 'It's a nice day, isn't it,' checks the clouds and the wind and doesn't just say, 'Yeah.'"

Hamm on Hamm

The following interview with former Legislative Analyst William Hamm took place shortly before Hamm left office.

California Journal: After eight or nine years on the job, what are the rules of the game? In what areas can the legislative analyst push to make policy changes, and how do you decide what's fair game?

William Hamm: You must develop a sense of what the political process will allow legislators to consider. Our job is not to try to sell the Legislature something. We work for the Legislature, and our role is to help members deal with issues that come before them. To the extent we're raising issues that the process will not allow the members to deal with, we're not being helpful.

For example, if I put on my economist's hat, I can make a strong case that we ought to do away with the deductibility of mortgage-interest payments on the state personal income tax form. It amounts to a categorical grant for (property) taxpayers, and the more expensive your home, the bigger your grant. But you will not see the legislative analyst's office take a run at the deductibility of mortgage-interest payments because the political process can't deal with that issue. The public at large does not agree with the legislative analyst.

This is not to say that we shouldn't push for things that we don't think we have the votes for. We push things all the time. However, a legislative analyst should never be timid about making recommendations about things he or she thinks will improve public policy simply because he or she doesn't think the votes are there to go along with the recommendation. We don't mind having the Legislature reject our recommen-

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dations. If members discuss them and then reject them, we've accomplished something.

The Legislature is very tolerant of the kinds of things we do, and they're willing to give the office a great deal of latitude to develop issues we think the members need to think about. No analyst is going to be fired for raising an issue. An analyst is more likely to be fired for not being objective about an issue or being one-sided about it.

Journal: Are there legislators the new legislative analyst ought to worry about?

Hamm: The chairs and members of the fiscal committees in each house are our principle consumers. If we satisfy the 60 members of the Assembly who don't sit on Ways and Means but we don't satisfy the 20 who do, we're not going to win on a three-to-one vote. We're in trouble because we're not serving our primary clients.

One of the things that is pretty surprising, and I didn't expect this, is the extent to which the Legislature encourages this office to operate in an objective manner. Never once has a member tried to lean on me to hire somebody. That's extraordinary.

Also, in almost nine years here, there have been only five or six instances where a member has tried to have the office come out a certain way on a certain issue. This, too, is extraordinary, particularly since I'm the employee and they're the bosses. And yet they have resisted the temptation to lean on me. It's not that they need these ninety people (who work for the analyst). There are plenty of people at the Capitol. They need the way that these 90 people look at issues.

Journal: Has the growth of legislative staff detracted from your influence with members?

Hamm: It probably has detracted somewhat. We are not as influential as we were before the Legislature had other voices it chose to listen to. This doesn't mean that the relevance of what we do has eroded to the point where I would be concerned. I don't know of another legislative analyst's office in the country that has as central a role in the budget process. We're over there in every one of the budget subcommittee hearings and full committee hearings, and we have an opportunity to speak up on just about every issue that comes along.

Journal: Concerning fund raising and other things, what do you see as hinderances to the Legislature making effective policy?

Hamm: Numbers one through 10 on my list are the problems that stem from the way we conduct and finance political campaigns. There are other problems, but they pale in comparison. You've got 120 men and women up here who were elected by their constituents to represent them. They're probably the best-equipped people in California to do what a policy maker has to do; to broker, to harmonize, to accommodate and come up with policy that reflects the interests of the people.

There are certain things they can't do as well as I do. They can't take a bill apart as well. They can't do an analysis of the governor's budget as well as the professionals in this office. But in terms of taking all the pressures and all the inputs in the political process and coming up with a decision, they have few peers.

The problem is they don't have time because they're too busy raising the $300,000 they feel must be raised to get their jobs back. As a result the (policy-making) function falls to staff. I don't use the term "staff" in a pejorative sense. But staff don't have to face the electorate and aren't accountable every two or four years for their actions. They don't make as good policy as the people who have that accountability. The people of California are poorer for it in terms of the way their government operates.

Journal: What are your thoughts on the perception, right or wrong, that the Legislature is for sale, that bills can be bought or sold?

Hamm: The perception is more important than the reality. It might be better if the perception was that the contributions don't taint the outcome even if they might. As the public believes that contributions taint the outcome, it's something we ought to be concerned about regardless of whether the underlying facts line up with that perception.

Journal: What changes would you recommend?

Hamm: Public financing of campaigns has a role to play, but I'm not sure how to wheel that in. The public doesn't seem to want to spend its money to finance campaigns.

Journal: On another subject, does your office get lobbied?

Hamm: Around the clock. But we couldn't be as effective if we didn't get lobbied. "Lobbyist" is not a dirty word in this office. We need the information and point of view that the lobbyist brings to the process. We'll listen to anyone we think can help us understand an issue even if the person is not a disinterested party and has a strong commitment to the outcome of our deliberations.

As professional analysts, we are duty bound to consider the source and to get a counterbalance. If the analyst for the Department of Industrial Relations gets a telephone call from the California Manufacturers Association about a workers comp bill, and the association sends over a bunch of data that purports to show that the bill will drive business out of California, I expect the individual analyst to listen, to consider, to think about it, to be very critical in asking questions about that information; and in the end, to call up the California Federation of Labor and say, "The manufacturers association say such-and-such about this bill, what do you guys think?" To get their side of it and be just as tough with them.

This process makes sure that the information we're getting is accurate and reliable and credible. Without it, we wouldn't be nearly as effective in identifying issues, raising them and giving alternative strengths and weaknesses.

Journal: What about getting information from the administration?

Hamm: We need the administration. We don't have a big data-gathering force here. If we don't get information, we don't have much to say to the Legislature. So, we're out in the departments and agencies all the time. They don't have to come to us to lobby us on their budget proposal because we seek them out.

Journal: What about this administration? Could you compare their forthcomingness with the Brown administration?

Hamm: There's no comparison. This administration, particularly in the last 12 or 18 months, has turned very secretive and shown considerably less willingness to share information and to cooperate in helping us serve the Legislature. They don't admit to doing it, but we're not getting the kind of cooperation and information-sharing that we have gotten in the preceding six or seven years. We get the information ultimately because when good analysts get stymied, they go around. So we get information, but it takes a little longer to develop from the departments and agencies. It slows the process down and means the Legislature doesn't get information on a timely basis.

Journal: Do you have advice for a successor?

Hamm: There are two things the next analyst must keep in mind. First, never think you know more about what is going on than anyone else. The most knowledgeable people about state government work here. My job has been to listen and encourage them to be intellectually aggressive in seeking out issues. You must also listen to members of the Legislature so you don't fall into the trap of falling over issues they've already dealt with or they'd like to deal with but can't because of the political process.

Address the major public policy concerns. If we don't spend time, for example, looking into the effectiveness of the

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state's toxic program or the effort to deal with AIDS, then we're missing two policy areas that members of the Legislature — Republicans and Democrats — think are important. That we may have the definitive word on some other program area is no consolation. We take our cues from what is on members' minds.

Journal: Are there things that the Legislature can do to make the analyst's office function better or to stem the turnover in personnel?

Hamm: We're always going to have turnover. That is preordained by the fact that we hire the best people coming out of policy programs anywhere. Then the Legislature gives them the opportunity to display their wares in front of large audiences and it's very hard to keep it secret. These are people who can do a first-rate job. You can't hide them from those who can bid them away from the state.

It would make it easier for us to serve the Legislature effectively if members would keep in mind that employees of this office are legislative employees. When we go to a committee with an analysis and a recommendation, we do it to help the Legislature, and we do it as objectively as possible. Sometimes our objectivity leads us to make a recommendation that is unpopular with an individual member. I expect that to happen, and I expect the member to vote against the recommendation and to try to convince everyone else that the recommendation shouldn't be approved. But I would hope that the member would not attack the analyst making the recommendation and question the analyst's motives or abilities.

Journal: Does that happen often?

Hamm: A great deal. This is a very emotional process. Members work hard to get a bill through that establishes, for instance, a new program. Along comes their employee and suggests that the program be cut or not get an increase, and a lot of members feel we're denying their child. The majority understand our role and how we approach it.

The people over here are pretty thick-skinned. They can spend two or three weeks developing an analysis, thinking they're doing a professional job, and they can go across the street and get beat up by a committee. That makes it tough. I talk to a member (who may have been personally abusive to an analyst) and try to remind him or her what our role is. Often I'm not successful.

Journal: Can your replacement succeed with staff if he or she is unwilling to go across the street and back up a staffer who has been abused?

Hamm: I don't think so. You don't want to discourage the staff from taking on controversial issues, even at the risk of being stepped on. If you won't defend them, they won't do that.

Journal: What skills should the Legislature be looking for when seeking out your successor?

Hamm: An analytical bent to the thought process; one of those people who, when someone says, "It's a nice day, isn't it?" checks the clouds and the wind and doesn't just say, "Yeah"; a good communicator because what we do is communicate to a lot of groups; a good manager because the office has 90 or 95 very gifted people. They are the Legislature's primary assets, not the person sitting at this desk. The staff has the knowledge and the institutional memory. The analyst must create a working environment that allows staff to develop to the full extent of its abilities and keeps individual analysts for as long as possible.

You've got to be sophisticated about the political process. You've got to accept the legitimacy of the process. Otherwise, you'll be miserable most of the time. You've got to accept the real possiblity that, at some point, you may antagonize the wrong person or enough of the wrong people that you get your ticket punched and have to move on to something else. You can't shy away from that risk.

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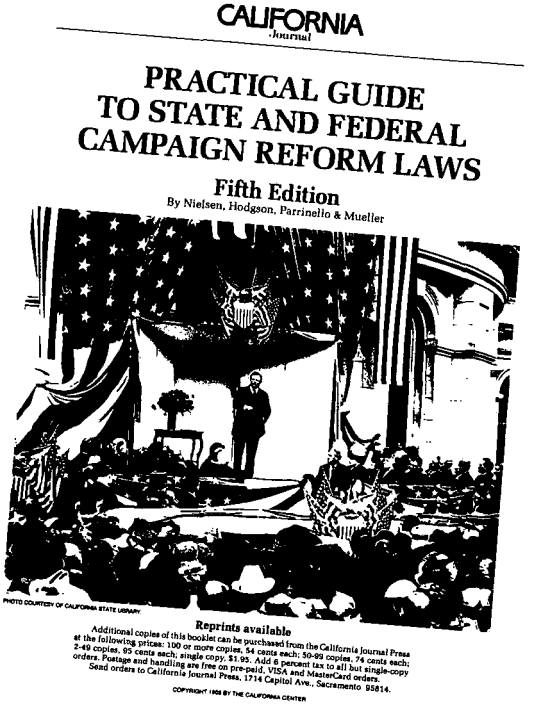
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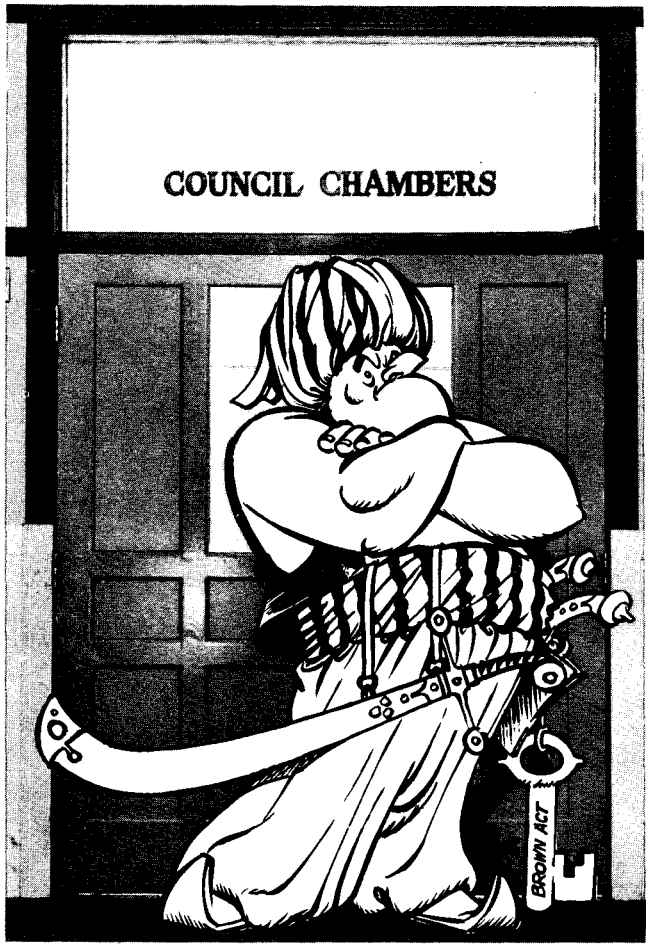
". . . The people, in delegating authority, do not give their public servants the right to decide what is good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

— preamble to the Ralph M. Brown Act, California Government Code, section 54950



THE BROWN ACT

How open is local government?

By DANIEL BORENSTEIN

When the California Legislature passed the Brown Act back in 1953, it was trying to prevent local governments from conducting business in secret. But in practice the state's open-meeting law doesn't quite work the way lawmakers intended. Loopholes allow local councils and boards, and their staffs, to determine which decisions are made in the open and which are made outside the public view. And although some 38 amendments have filled in holes over the years, local governments continued to bore new ones.

For example, the seven-member Santa Clara City Council last summer met secretly in groups of twos and threes with the company managing the city-owned Great America amusement park for briefings on the park's financial condition.

"They didn't want to meet with (a quorum of) four because that would be a violation of the Brown Act," Councilman Jim Ash told the *San Jose Mercury News* after the newspaper learned of the secret meetings three weeks later. Attendance at the park had failed to meet staff projections, and the company asked to have the information kept confidential, said Councilman John Mahan, "because they didn't want to have (it) get out to the public at the time."

In another instance the Contra Costa County Board of Supervisors secretly paid a $484,000 settlement to a woman who was brain-damaged by an anesthetic she received while delivering a baby at the county hospital. The supervisors waited until November, nearly a year later, to make the settlement public. County supervisors blamed the delay on staff members, who indicated it was a bureaucratic mistake but also suggested that publicity might encourage others to sue.

The Brown Act requires that local boards hold most of their meetings in public. "It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly," the Legislature stated in the preamble.

But it also allows those boards to meet privately to discuss personnel matters, pending or potential litigation, land acquisition and salary negotiations. There are few restrictions on where the gatherings occur, and the penalty provisions are so weak that there has never been a successful prosecution. As a result, many local agencies across the state regularly hold closed sessions — some within the bounds of the loosely written law, others in violation of the act.

Local officials generally say they are complying with the law. "Wholesale violations are not going on," says Connie Barker, city attorney for Los Altos before becoming a lobbyist for the League of California Cities, which helped write the original law. "The openness of meetings is quite sufficient, and the city attorneys keep (council members) in line."

To be sure, the situation is not as bad as it was in 1952 when the *San Francisco Chronicle* revealed in a series of articles that Bay Area officials were making decisions in private. While their official meetings were public, some boards and councils performed virtually all public business behind closed doors, except the actual passage of resolutions and ordinances.

That series prompted drafting of the Brown Act by Modesto Assemblyman Ralph Brown.

The law has always allowed some government secrecy. For instance, the personnel section permits public boards to hold closed sessions to consider the "appointment, employment, evaluation of performance, or dismissal of a public employee." If public employees were evaluated in public, Barker says, the potential for embarrassment would drive away qualified people.

The law does require boards to report at the public meeting during which the closed session is held or at the next public meeting "any action taken, and any roll call vote . . . to appoint, employ, or dismiss a public employee."

However, that provision can be sidestepped, as the Antioch City Council demonstrated in 1981 when it refused to reveal which council members joined the majority in a closed-door, 3-2 vote to give the city manager four months to, as the mayor put it, "find a new job." While the city manager said he was "terminated," the city attorney said he "resigned." The distinction, the city attorney said, allowed the council to keep

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Contra Costa Times *reporter Daniel Borenstein has reported on local government in the Bay Area for six years.*

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the vote secret because the Brown Act does not specifically require the council to reveal a vote to accept an employee's resignation.

The Antioch case raises the question of whether the Brown Act personnel exception protects innocent people from public embarrassment, or protects elected officials and public employees from having to publicly account for their actions.

The attorney-client exception to the Brown Act similarly leaves the press wondering how much public business is discussed behind closed doors.

"Since virtually any action is open to legal challenge," says Richard Palmer, publisher of the *Scotts Valley Banner*, "anytime any member of the public pops up and says, 'I'll sue if you do that,' our city attorney says, 'Ah, ha! Potential litigation' and shuts the meeting down."

The litigation exception was rooted in the 1968 ruling by a state court of appeal that, absent legislation to the contrary, government boards can meet in private with their attorneys. For 16 years the California Newspaper Publishers Association and local agencies battled over what could be discussed privately.

Then the Legislature, with an amendment effective in 1985, incorporated the attorney-client exception into the Brown Act and established rules for its application. The law now allows a legislative body involved in litigation, facing "a significant exposure" or considering filing a lawsuit to meet in closed session with its attorney if a public discussion might prejudice the agency's legal position.

Public agencies have used the attorney-client privilege to privately discuss politically sensitive public-policy issues if that "significant exposure" exists. A controversial housing development, for example, might be discussed secretly if the developer or opponents threaten litigation.

To curb potential abuse, the 1985 amendments require local governments, when meeting behind closed doors to discuss on-going litigation, to first publicly identify the case — unless disclosure would "jeopardize" attempts to serve legal papers or ongoing settlement negotiations. Contra Costa County supervisors have demonstrated that this provision is easily sidestepped. In the amendment's first 11 months the supervisors announced 42 closed-door discussions of such cases. But they refused to name the case 41 times, claiming negotiations would be jeopardized.

The issue posed by the land-acquisition and employee-salary exceptions is essentially money — whether a public board should openly negotiate expenditure of public funds. "If you expose what you're willing to go up to, you lose all your leverage," Barker says.

But closed negotiations also prevent members of the public — who might object to the price paid or warn a board that it is paying too much — from viewing the process. Also, the 1985 amendments undercut one common argument for secret discussion of real estate purchases: Identification of the parcel would encourage speculation and drive up the price of the property.

Before holding a closed session now, board members must publicly identify the property involved. Having done that there is little reason for keeping the discussions themselves private. After all, there are no restrictions on the seller disclosing the price offered and seeking more money elsewhere. Indeed, it is in his best interest. Thus the law does not prevent speculation.

Expediency and candor are reasons often cited for private real-estate and labor-negotiation discussions. Away from the public eye, the argument goes, officials will withhold their political rhetoric and be more direct. But that reasoning departs from the premise behind the Brown Act.

Yet the "candor" argument is popular with public officials, and not just to discuss real estate or litigation.

For example the Corona City Council in 1984 barred the press from its annual retreat at California Polytechnic University in Pomona, saying the meeting was legal because no action was taken and the discussion was general in nature.

Remoteness

According to a 1983 survey conducted by the League of California Cities and reported by the *San Francisco Examiner*, at least 56 cities have held "team-building" workshops, more than half outside their city limits. In some cases, a remote location has served as a deterrent to public review.

When the Danville Town Council went to Monterey for a retreat in 1985, the only outsider who attended was a reporter from *The Valley Times* who also traveled the approximately 100 miles each way for the two-day event. During the meeting, the council agreed on such items as a new master plan for downtown, a new post office, proposed amendments to the general plan, a new parks master plan and traffic-impact and landscape-maintenance fees.

The Brown Act has provisions aimed at ensuring people will be able to attend public agency meetings if they choose, such as prohibitions against race or sex discrimination and bans on admission fees. Yet the law allows board members to travel hundreds of miles to hold a meeting, which could prove a deterrent to those who want to drop by a council meeting after work.

Even the law itself encourages officials *not* to know about it.

So why don't the press and public protest more? At the root of many Brown Act disputes is interpretation and enforcement of the law. "As the system works now," writes Mel Opotowsky, a managing editor at the *Riverside Press-Enterprise*, "newspapers, broadcasters and indeed the general public, after being . . . barred from meetings, can complain or go to court."

But few do so, Opotowsky adds, because litigation is expensive. Oral complaints usually end up in the hands of the board's attorney who invariably comes down on the side of the officials who employ him.

Not only is legal action costly, say other journalists, it's ineffective. "Judicial remedies (are) so slight they seem unworth pursuing," says Walt Miller, managing editor of the *San Diego Union*.

Even the law itself encourages officials *not* to learn about it. For instance, a member of a legislative body who attends a meeting in violation of the Brown Act is guilty of a misdemeanor only if the public official knew the meeting violated the act and only if action was taken at the meeting. And although civil procedures are permitted to "stop or prevent violations or threatened violations," the law makes no provisions for nullification of actions taken in illegal meetings.

Only private parties — members of the public or the press, but not the district attorney or attorney general — can pursue civil action, the attorney general has ruled. If they prevail, recovery of attorney fees is at the discretion of the judge. The money comes from the public coffers because the law protects offending public officials from financial liability.

Consequently, it's not surprising the Brown Act has fallen short of its stated goal. The people continue to give their public servants the right to decide what is good for them to know.

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Perspective from WASHINGTON

By Leo Rennert

The Pacific rim

President Reagan embarked on his 13-day, 23,000-mile Asian journey with the pioneer enthusiasm of a Californian who scents that the Pacific is the next frontier. At almost every stop, the president emphasized that the United States is now a "Pacific rim" country, moving westward in search of new business opportunities and political partnership. With Europe mired in economic stagnation, Reagan pictured Asia as a robust, fast-growing region that presents new challenges to U.S. leadership. Part of the rhetoric undoubtedly was designed to butter up his hosts. But Reagan also has a vision of an American future tied up with events in the Pacific and sees his homestate as the "golden gate" for this new odyssey. "I think that the new frontier, the next frontier in the world, is the Pacific basin," he declared. "And having been a governor of a state that, for 1500 miles borders on that Pacific, I have long been interested in the development there. If the next century is the Pacific century, as some have suggested, America will be leading the way."

HEADY TALK, INDEED. Reagan unfurled a similar westward-ho message when he went to China two years ago. Put together, his statements reveal a deep interest in Asia that goes beyond exploiting its vast potential for new business, trade and investments. From the start of his presidency, Reagan has been intent on shoring up anti-Soviet defenses in that part of the world. Hence, his unstinting efforts to forge closer ties with China, Japan and Southeast Asian nations like Thailand, Malaysia and Indonesia. After the U.S. debacle in Vietnam, Reagan's first strategic imperative was to build a credible new counterforce against Soviet expansionism in the Far East. Much of his view of the region is colored by its role in the U.S.-Soviet chess game. He was willing to overlook the corruption of Ferdinand Marcos in the Philippines because it was more important for the U.S. to hold on to Subic Bay and Clark Air Base. And Reagan still is not too upset by political repression in South Korea as long as Seoul effectively checks the Communist tide at the 38th parallel. Along the Pacific rim, under his grand scheme, U.S. commercial and strategic interests — free enterprise and the flag — happily fuse into a single crusade.

On his recent trip, Reagan tried to put a positive label on these objectives by talking ceaselessly about the "winds of freedom" blowing across the Pacific. Democracy and free enterprise, he suggested, are becoming the wave of the future — the engines for sturdy new societies. He contrasted economic hardships in Vietnam with rising prosperity elsewhere in the region. And he challenged Moscow to end its occupation of Afghanistan. However, in drawing a simple us-versus-them, black-versus-white contrast, Reagan ran smack into the uncomfortable reality that much of that part of the world doesn't quite fit into his neat pigeonholes.

Indonesia, his first stop, is a classic example. Reagan praised President Suharto for raising the subsistence levels of his people and for setting an enviable example of political stability. But even before Reagan arrived on the exotic resort island of Bali, Suharto foolishly called attention to his authoritarian methods by barring the Australian press from covering the president's visit. Suharto was furious about reports in the *Sidney Herald* that his family and close associates used political connections to amass a vast personal fortune running into billions of dollars. Suharto, who abhors comparisons to Marcos, even barred two Australian correspondents accredited to the White House who arrived on the American press charter plane. Indonesian armed guards quickly bundled them off on a flight to Tokyo — despite strenuous U.S. objections. It was an embarrassing episode that spotlighted Suharto's high-handed methods in crushing domestic opposition and did little to justify Reagan's claim that the "winds of freedom" are sweeping across the Pacific.

There were other disturbing undercurrents. Many Southeast Asian leaders, while generally sympathetic to the U.S., complain that Reagan tends to ignore their interests once they're safely tucked away in the anti-Soviet column. Thailand — a strategic buffer against Vietnam — is in an uproar over a new U.S. farm law that subsidizes American rice exports. Thai officials warn that their rice producers face the loss of important markets and depressed prices as a result of trade distortions engineered in Washington. Reagan was forced to learn that just waving the banner of free trade will not always allay suspicions that the U.S. also plays a mean game of protectionism.

Confronted with persistent Asian concerns about American intentions and policies, Reagan and his people did little to bridge the gap. Secretary of State George Shultz berated Indonesian officials who had the temerity to question Reagan's anti-protectionist position in light of U.S. barriers against foreign textiles. The secretary also lashed out at Philippine Vice President Salvador Laurel for declaring that there still are "cobwebs of doubt" in Manila about the extent of Reagan's support for the new government of President Corazon Aquino. Instead of listening to indigenous leaders and perhaps learning something from them, Shultz seemed more intent on bullying them into accepting the soundness of U.S. positions. That kind of Yankee attitude breeds long-lasting resentments.

The most important slight to local feelings probably was Reagan's failure to stop off in Manila to see Aquino. Despite an offer of additional U.S. economic and military aid, serious questions remain about Reagan's commitment to Aquino's new regime. If there was one place in the Pacific where Reagan could have boasted about new "winds of freedom," it was Manila. But the president contented himself with a brief phone call to Aquino before leaving the U.S. — a gesture quickly erased by a longer telephone conversation in Honolulu between Reagan and his old friend Marcos. All in all, it was not an example of American diplomacy at its finest.

IN TOKYO, REAGAN SCORED IMPORTANT POINTS at the economic summit by getting more allied support for his anti-terrorist campaign against Libya and for long-range moves to stabilize currency-exchange markets. But the most important development in Tokyo took place outside the conference halls: The yen reached highs against the dollar — a sharp reminder of bumpy U.S.-Japanese trade relations.

By spotlighting America's new role on the Pacific rim, Reagan also ended up demonstrating the hazards along this new frontier and America's limits in coping with them.

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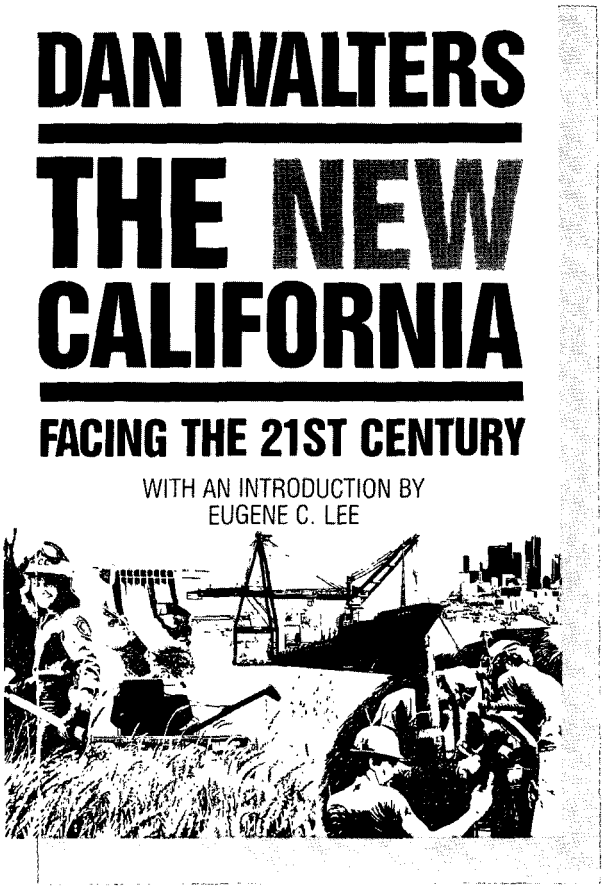
Two new books from CALIFORNIA Journal

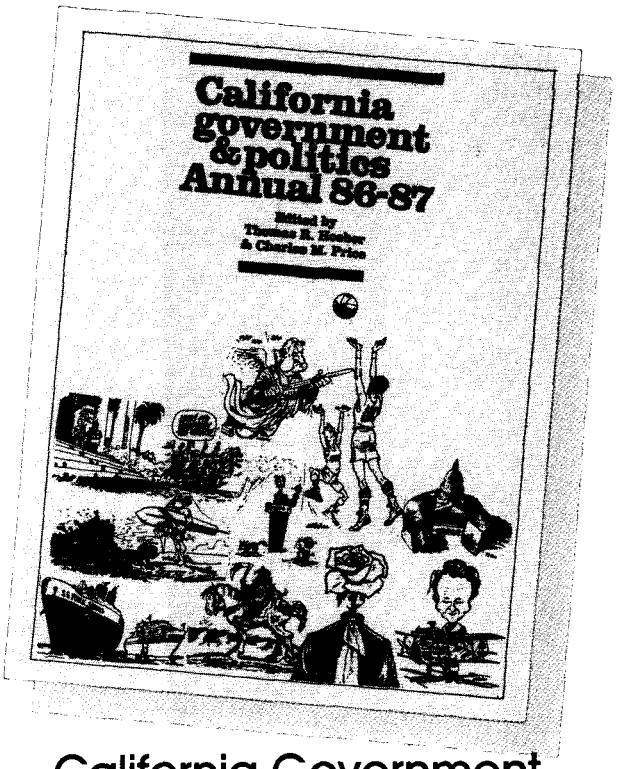


The New California — Facing the 21st Century

by Dan Walters

with an introduction by Eugene C. Lee

The *Sacramento Bee's* well-known political correspondent, Dan Walters, recently completed a 9000-mile odyssey through California's 58 counties which resulted in a 15-part series in the *Bee*. The articles describe the socioeconomic future of the nation's largest state and the political implications of these trends. This lively and insightful series will be available in book form June 15th. The 180-page book contains numerous charts with detailed political and demographic data. Price: $8.95.



California Government and Politics Annual

Thomas R. Hoeber and Charles M. Price

The brand-new-17th edition of *California Journal's* **California Government and Politics Annual** is now available. The **Annual** has become a standard resource book for college and university courses in state and local government. But it is also a valuable tool for individuals seeking an overview of the California system of Government and current political issues.

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Pictured above are California State Supervisors: ***Earl Clifford,*** *Janitor Supervisor III, Department of General Services;* ***John Canfield,*** *Senior Bridge Engineer, Caltrans;* ***Susanne Coleman,*** *Office Services Supervisor, Caltrans; and* ***Apolinar Aguilar,*** *Staff Services Manager, Resources Agency.*

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